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OFFICIAL REPORT
(HANSARD)

Tuesday, April 16, 2002



THE HONOURABLE ROSE-MARIE LOSIER-COOL
SPEAKER *PRO TEMPORE*

This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.

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THE SENATE

Tuesday, April 16, 2002

The Senate met at 2 p.m., the Speaker *pro tempore* in the Chair. [Translation]

Prayers.

NEW SENATORS

The Hon. the Speaker *pro tempore*: Honourable senators, I have the honour to inform the Senate that the Clerk has received certificates from the Registrar General of Canada showing that the following persons, respectively, have been summoned to the Senate:

George S. Baker
Raymond Lavigne

INTRODUCTION

The Hon. the Speaker *pro tempore* having informed the Senate that there were senators without, waiting to be introduced:

The following honourable senators were introduced; presented Her Majesty's writs of summons; took the oath prescribed by law, which was administered by the Clerk; and were seated:

Hon. George S. Baker, of Gander, Newfoundland and Labrador, introduced between Hon. Sharon Carstairs, P.C., and Hon. Bill Rompkey, P.C.

Hon. Raymond Lavigne, of Verdun, Quebec, introduced between Hon. Sharon Carstairs, P.C., and Hon. Céline Hervieux-Payette, P.C.

• (1410)

The Hon. the Speaker *pro tempore* informed the Senate that each of the honourable senators named above had made and subscribed the declaration of qualification required by the Constitution Act, 1867, in the presence of the Clerk of the Senate, the Commissioner appointed to receive and witness the said declaration.

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is with great pleasure that I rise today to welcome two new colleagues to the Senate.

Senator George Baker was Chief Clerk of the Newfoundland House of Assembly before his election to Parliament in 1975, when he became the Parliamentary Secretary to the Minister of Transport. He went on to serve as Parliamentary Secretary to the Minister of Fisheries and the Environment and to the Minister of National Revenue.

In opposition, Senator Baker served as Party Critic for Atlantic Development and Associate Party Critic for the Treasury Board. In 1999, Senator Baker was appointed Minister of Veterans Affairs. Senator Baker was a member of several committees in the other place, including fisheries and oceans, transport, finance and procedure, and house affairs.

Senator Raymond Lavigne was also a member of Parliament. He was elected in 1993 and re-elected twice. Senator Lavigne is an independent businessman. He began as a plant worker, before acquiring many furniture stores that employed 28 people. On behalf of their new colleagues, I wish to congratulate senators Baker and Lavigne.

[English]

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I am pleased to join with the Leader of the Government in the Senate to welcome our new colleagues.

[Translation]

I want to wish them every success, as they prepare to take up their new responsibilities.

[English]

The fact that Senator Baker and Senator Lavigne are recent long-serving members of the other place, a distinction shared by many senators, led me to request certain information from the Library of Parliament that I should like to share with honourable senators. As of now, 300 former members of the House of Commons have been summoned to the Senate since 1867. The number of senators who were actually MPs when appointed cannot be determined now because I requested the information only a few days ago. Suffice it to say, however, that this is a most impressive figure when one realizes that 847 senators have been appointed since 1867.

• (1420)

Honourable senators, on the other hand, only two senators resigned and won election to the House of Commons. Time did not permit to find out how many resigned and failed in their election attempt, but it is assumed that they are few in number. It is quite obvious that once one makes the major leagues, there is not much incentive to go back to the minors.

[Translation]

I reiterate my sincere congratulations and I wish a warm welcome to our two new colleagues.

Hon. Marcel Prud'homme: Honourable senators, I am very pleased, and that is an understatement, by the arrival of our two new colleagues, Senator Baker and Senator Lavigne.

One day, a woman sitting in the gallery told me: "I work for you, but I want to introduce my political godson." That was in 1988, and the person was Mr. Lavigne.

[English]

Why am I so happy? It is because I know Senator Baker and Senator Lavigne, who are both independent-minded people. Honourable senators will see how true a statement this is in the months to come.

Welcome!

SENATORS' STATEMENTS

WINTER OLYMPICS AND PARALYMPICS, 2002

CEREMONY TO HONOUR ATHLETES

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, yesterday I gathered with so many Canadians, 2,000 in number, along with our Prime Minister, the Minister of Canadian Heritage, the Honourable Sheila Copps, the Secretary of State for Amateur Sport, the Honourable Paul DeVilliers, and the Minister of the Environment, who is apparently the only Olympic medallist to sit in the House of Commons, to pay special tribute to both Olympians and Paralympians.

Honourable senators, what we fail to recognize in this chamber is that the Honourable Senator Joyce Fairbairn attended the Paralympics. According to the young woman who addressed the ceremony yesterday, Senator Fairbairn was at the finish line of every single event with two Canadian flags in her hands so that she could pay special tribute to these special Olympians. They are both special, whether they are Olympians in the traditional sense or Paralympians who work under conditions in which other athletes do not have to engage.

Honourable senators, I should like to express how proud I was to be a Canadian while watching that ceremony yesterday afternoon. It can be said without any exaggeration that there was jubilation across the country when first our women's and then our men's hockey teams won gold medals. I have never been a hockey fan, but I watched both of those games from the beginning to the end.

Canada ranked fourth in total medals, and we held 46 top-eight finishes, our best performance ever in terms of the Olympics, 15 more than in Nagano.

If I can be given some licence here, Clara Hughes, from my home city of Winnipeg, is the first Canadian to win medals in both the Summer Olympics, where she participates in cycling, and the Winter Olympics, where she participates in skating. She told me yesterday that she has now gone back to cycling so that she can participate in the Commonwealth Games. This is truly a young woman with enormous athletic potential.

Based on our combined performance at the last Summer and Winter Olympics, Canada ranks eleventh among all nations in medals and eighth among all nations in points. Given the size of

our population relative to other nations, I believe this is truly a remarkable achievement.

However, honourable senators, we must remember that medals are only one measure of excellence in sporting events. We sent numerous members of our Canadian family to the Olympics and the Paralympics, many of whom did not win medals, yet they displayed the finest in teamwork and sportsmanship.

While many of our athletes hail from Calgary, Montreal and other large cities, many represented towns such as Fernie and Whitby, small communities that are just as much a part of our national identity. Canadians from all our big cities and small towns were privileged to take part with our athletes in this ageless celebration of human endeavour.

Honourable senators, I sincerely hope that this achievement by all of our athletes will inspire young Canadians to strive for excellence, whether their talent is in sports, academics or in making their communities better places to live. Our athletes, Paralympians and Olympians, were heroic and gracious ambassadors for Canada. We hope they will always remember their experience in Salt Lake City, because we will. They have made us very proud.

Hon. Terry Stratton: Honourable senators, I should like to ask the question: Where were you in 1972? It is a common question for those who remember Paul Henderson's critical goal against the Soviets. The question for the new millennium is: Where were you in 2002?

I will remember the Salt Lake Olympics, where the drought ended and Canada not only recovered the Olympic gold medal in men's hockey after an absence of 50 years, but marvellously and wonderfully also acquired the Olympic gold medal in women's hockey. The nineteenth Winter Olympics will be remembered as a moment when Canada established a new record for the number of medals taken home by those who represent this great country. It will be remembered for the 17 medals won by Canadians who realized they had a dream, one that became a reality when they stepped on to the podium.

For most of the athletes at the Olympic Games, simply participating in the Olympic experience was a significant part of their dream coming true. For those who managed it, winning a medal was just icing on the cake.

Our 314 Canadian team members were superb representatives of the nation, with the 156 who actually engaged in the competitions demonstrating courage and aplomb both when they won medals and when they finished short of the top three places.

Honourable senators, there were trying times, controversy and excitement throughout. Those who finished out of the medals were no less important to the impression that Canada made during the course of the nineteenth Winter Olympics.

This was a hard act to follow, but our Paralympic team, with 27 athletes and 27 support staff, was more than equal to the occasion. In a brilliant effort, they nevertheless matched the record 15 medals of the Nagano Paralympics.

Future teams will be hard pressed to surpass the accomplishments of our 2002 Canada Olympic and Paralympic teams. They represented our nation with dignity and grace. They were sorely tested by the best in the world and they performed magnificently.

Hon. Joyce Fairbairn: Honourable senators, we have, as Canadians, celebrated the excellence of our Olympic and Paralympic athletes many times following their competitions, but never as publicly, gloriously and inclusively as happened yesterday at the ceremony at the Museum of Civilization and later on the floor of the House of Commons. I commend everyone over there for permitting the athletes to come into that chamber and receive an absolutely tumultuous ovation.

Our athletes represent the best in Canada and the best in the world. I have enormous respect and admiration for all of them, for their talent, commitment to their sport and their delight in competing for their country. One cannot even imagine the effort that leads them to that podium and those medals — the time and strain involved, the expenses and the pressures on their families.

• (1430)

As the Leader of the Government said, and I thank her for it, and as many of you know, I have a strong bond of pride and affection for our Paralympians; not just for what they do in competition, which is absolutely outstanding, but also for what they give back by encouraging and supporting young Canadians, particularly those young Canadians with disabilities. Our Paralympians do not merely encourage young people to dream. By their very example, they show young people how to live those dreams.

The eight Paralympians were here in Ottawa representing a wonderful team, as were the Olympic athletes. It is fair to say that the efforts that they have all made honour each one of us, and bring admiration, respect and enthusiasm to Canada and all its citizens.

BATTLE OF VIMY RIDGE

EIGHTY-FIFTH ANNIVERSARY

Hon. Michael A. Meighen: Honourable senators, at 9:30 a.m. on April 9, 1917, German forces at Vimy, France and throughout Europe received a wake-up call. That wake-up call was delivered for the most part by 850 Canadian guns accompanied by 280 British guns. Thus began, 85 years ago last week, the bloody assault on Vimy Ridge. Those guns have since been silenced, and most, if not all, of those brave men who manned the guns have now passed on. However, the memory of what they did on that day and on the few days that followed is with us still.

[Senator Stratton]

In the overall scheme of the First World War, it is easy to underestimate the contribution of the Vimy engagement. The Canadian assault that day was no more than a diversion for the much larger attack by the French forces to the south at Reims and Soissons and by the British forces at Arras. The offensive quickly stalled, and the breakthrough that they were seeking would not come for another 15 months.

Judged on its own, the assault at Vimy was a remarkable achievement that marked a turning point in Canadian history. Indeed, for the first time in battle, all four divisions of the Canadian corps acted together as a single fighting force.

In many respects, the assault at Vimy represents our coming of age as a nation. What a remarkable achievement it was.

[Translation]

During World War I, Vimy Ridge was a vital stronghold in the German defence system. The Germans had held this position since 1914, in spite of many assaults. In 1915, more than 130 French soldiers were killed or injured while trying to capture the ridge.

Canadians arrived in the fall of 1916 and spent the war's coldest winter meticulously developing the planning and training required to take Vimy Ridge.

[English]

The planning was so fine that Private Donald Fraser who took part in the assault would write later in his diary,

...when the actual test came I had absolutely no difficulty in making for my objective without the least deviation. Everything loomed up as clear as crystal — the wire, the roads, the village, the cemetery, the separate woods and the railway embankment beyond.

The lion's share of the fighting was done by noon on April 12, and Vimy Ridge was fully secured by April 14. While the Canadians suffered casualties by the thousands, including 3,600 killed, that casualty rate was considered low relative to those suffered in similar battles of the Great War.

Indeed, honourable senators, the father of our colleague Senator Atkins was one of those who fought and survived the horrors of Vimy ridge, although he was later wounded three times during his service overseas.

[Translation]

Honourable senators, it is for good reason that the assault on Vimy Ridge is considered the single most important battle fought by Canadians in the 20th century. Its name is synonymous with heroism and sacrifice. These qualities deserve to be mentioned today, as our armed forces are again being deployed for an overseas combat mission and are carrying out their duties with honour.

[English]

SEARCH AND RESCUE

COORDINATION BETWEEN AGENCIES TO IMPROVE METHODS

Hon. Gerry St. Germain: Honourable senators, I rise today to bring to the attention of the Senate the request and suggestion that the time has come to once again review our search and rescue capabilities in this country. I will briefly recount an unfortunate aviation accident that occurred in British Columbia.

On March 2, 2000, pilot and World War II veteran pilot Herb Brown departed the Langley airport on a short flight to Chilliwack, B.C., a flight that normally took 30 minutes. The plane encountered bad weather, and it disappeared. Later that day, Mr. Brown and his plane were reported missing. Search and rescue forces searched for six days but did not find a trace of the plane.

The case was turned over to the local police and filed as a missing persons case. With no positive search results, Mr. Brown's son, Ron Brown, a retired Vancouver police officer, realized that the only way his father would be found was by continuing the search on behalf of the family, himself. The *Vancouver Province* summed up the efforts of Ron Brown as follows:

In July 2002, after a month-long battle with NAVCANADA, Ron Brown finally got his hands on the tape recordings of his father's final words to the control tower and of the ELT transmission from the downed airplane.

After careful analysis of the tapes, the search area was narrowed down considerably and thousands of leaflets were distributed to homes in the target area. Shortly thereafter, on September 2 last year, some residents who had seen the leaflets found the plane on a hillside near a trail.

Honourable senators, I left out much of the detail of the 17-month search for Herb Brown. I have raised the case because something needs to be done. We must review how search and rescue activities are done in this country. In this case, NAVCANADA refused to hand over the voice and ELT tapes for the searches by the RCMP and Mr. Brown.

The Transportation Safety Board only gets involved once a plane is found. It is not involved during the active search or investigation. The National Search and Rescue Secretariat, Transport Canada, NAVCAN, TSB and the RCMP are not to blame. Each agency followed its procedures.

I do not believe a lack of financial resources is the culprit either. Ron Brown spent \$20,000 to find his father. The search and rescue effort cost taxpayers \$1.2 million. Mr. Brown approached me with many concerns relating to the lack of investigative experience of the agencies involved in the search. In this case, key evidence was avoided and not questioned. Expert examination of the tapes was not undertaken.

Honourable senators, a message must be sent to the government to better coordinate the current agencies or to create a comprehensive integrated agency that uses all available resources and sees each search and rescue effort through to a proper conclusion. I believe that the Standing Senate Committee on Transport and Communications should consider, at the earliest opportunity, means to improve the search and investigative methods used in search and rescue exercises in this country.

• (1440)

ROUTINE PROCEEDINGS

CANADIAN HUMAN RIGHTS TRIBUNAL

REPORT TABLED

The Hon. The Speaker (*pro tempore*) Honourable senators, I have the honour to table the report of the Canadian Human Rights Tribunal for the year 2001, pursuant to the Canadian Human Rights Act, SC 1998, chapter 9, paragraph 61(4).

[Translation]

YUKON LAND CLAIMS AGREEMENT, ANNUAL REVIEW 1999-2000

REPORT TABLED

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 1999-2000 annual report, *Yukon Land Claims Agreement*.

[English]

CANADIAN CHARTER OF RIGHTS AND FREEDOMS

NOTICE OF MOTION IN RECOGNITION OF TWENTIETH ANNIVERSARY

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I give notice that on Wednesday, April 17, I will move:

That the Senate take note of the twentieth anniversary of the Canadian Charter of Rights and Freedoms.

HER MAJESTY QUEEN ELIZABETH II

CONDOLENCES ON PASSING OF QUEEN ELIZABETH. THE QUEEN MOTHER—MESSAGE FROM SENATE AND COMMONS—MOTION ADOPTED

The Hon. the Speaker *pro tempore*: Honourable senators, I have the honour to inform the Senate that a message has been received from the House of Commons, which reads as follows:

RESOLVED — That a humble Address be presented to Her Majesty the Queen in the following words:

TO THE QUEEN'S MOST EXCELLENT MAJESTY:

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's dutiful and loyal subjects, the Commons of Canada, in Parliament assembled, approach Your Majesty with the expression of our deep and heartfelt sorrow at the demise of Her Majesty Queen Elizabeth, the Queen Mother.

We mourn the loss of Her Majesty whose kindness, graciousness and influence for good over so many years won the love, respect and admiration of us all, and there has come to each of us a sense of personal bereavement which, we say with all possible respect and duty, makes Your Majesty's sorrow our own.

We pray that the God of consolation may comfort Your Majesty and the members of the Royal Family in your bereavement, and that Your Majesty may long be spared to continue the eminent public services of your great predecessors.

ORDERED — That the said Address be engrossed; and

That a message be sent to the Senate informing their Honours that this House has passed the said Address and requesting their Honours to unite with this House therein.

ATTEST

The Clerk of the House of Commons
William C. Corbett

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I move, seconded by the Honourable Senator Lynch-Staunton:

That an humble Address be presented to Her Majesty the Queen in the following words:

To the Queen's Most Excellent Majesty:

Most Gracious Sovereign:

We, Your Majesty's dutiful and loyal subjects, the Senate of Canada, in Parliament assembled, beg leave to express our deep and heartfelt sympathy in the great sorrow which Your Majesty has suffered by the demise of Her Majesty Queen Elizabeth The Queen Mother, and to offer to Your Majesty our most sincere condolences.

The affection in which the people of Canada held Her Majesty was inspired by Her Majesty's selfless devotion to public service to the Commonwealth and to Canada in particular. Her Majesty's attachment to Canada was manifested in Her service as Colonel-in-Chief of three Canadian regiments. Her patronage of a variety of Canadian charities and other organizations, and Her many visits to Canada beginning with her visit in 1939, when she accompanied his late Majesty King George VI.

We assure Your Majesty that Canadians will ever hold in affectionate and grateful remembrance the love which Queen Elizabeth inspired in all peoples of this land. Our prayers for Queen Elizabeth, and for the Royal Family, are joined with those of all Canadians.

That the said Address be engrossed:

That the Honourable the Speaker of the Senate do sign the said Address to Her Most Excellent Majesty the Queen on behalf of the Senate, and that the said Address be presented to Her Excellency the Governor General by the Honourable the Speaker of the Senate; and.

That a message be sent to the House of Commons to acquaint that House that the Senate has united with that House by adopting the said Address.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Senator Carstairs: Honourable senators, I rise today to express our most sincere and heartfelt condolences to Her Majesty Queen Elizabeth, His Royal Highness Prince Phillip, and their children and grandchildren, on the death of the Queen Mother. The passing of Queen Elizabeth, the Queen Mother, marks the end of an era in Great Britain, and an important period in Canada's history as well. Over the course of her lifetime, the Queen Mother witnessed enormous changes in the world, many of them tied to Canada's growth from a young nation to its current role as a recognized leader in economic, political and global affairs.

Her Majesty the Queen Mother was witness to historic moments in our century, and sometimes was a part of them, as when she served as the last Empress of India. She was known for her ever-present smile, but she shone most in times of hardship and uncertainty. It was reported in the British press that Hitler considered the Queen Mother his most formidable female enemy, a remarkable achievement and inspiration for women around the world.

Although she belonged to an era where women's roles were more circumscribed than they are today, the Queen Mother broke through the limitations and expectations people held of her. She became an unconventional woman in the best possible sense of the word, while always maintaining the dignity of her office and the people she represented.

She had a special and genuine sympathy for people who lived with adversity, whether they lived under the heavy wartime bombing experienced in the East End of London or under the harsh economic conditions of her ancestral home in Scotland. Her ability to identify with personal loss and provide encouragement made her an important symbol to her nation, and admired by people beyond its borders.

[Translation]

During her lifetime she sustained a number of personal losses, among them her brother, during World War I, her husband, King George VI, and recently her daughter, Princess Margaret.

[English]

Any life of such longevity and so full of experience, both majestic and common, would be marked by loss. However, the Queen Mother was able to triumph over her sorrow and to share the joy of life with those she encountered.

[Translation]

She always made an effort to put people at ease and was known for her great sense of humour.

[English]

She will be remembered for her ability to make people feel the universality of our human experience and for her ability to understand their thoughts and emotions, their hopes and fears, no matter what their life circumstances might be.

The Queen Mother was commended for her heroism in refusing to move to Canada during the Second World War. However, Canadians know that her determination to remain was not a slight on their country, for she expressed her admiration of Canada many times on her numerous visits here. Her sense of duty kept her where she was.

I have to say, on a personal note, that my husband was one of those little boys in those East End bombings in 1939 and 1940. We have pictures of him going back and forth with his gas mask to his school. He remembers the Queen Mother and he remembers her fondly. Indeed, the only song that I think John knows the entire words to is "There'll always be an England."

Her Majesty the Queen Mother, together with King George VI, toured across this country in 1939. In subsequent visits she visited Edmonton, Toronto and London. She presented the Queen's Colour to Maritime Command in Nova Scotia. She toured the Atlantic provinces for their centennial celebrations and attended the 120th running of the Queen's Plate. In 1989, she was warmly received in Ottawa on a tour celebrating the 50th anniversary of the visit she had first made with her husband.

The Queen Mother's patronage will be sorely missed by the 350 organizations over which she presided, including that of Colonel-in-Chief of the Toronto Scottish Regiment (Queen Elizabeth the Queen Mother's Own). Canadians, too, will miss her. Her irrepressible interest in life and her sincere concern for others will continue to serve as a model for all of us. Her life was a life of service, and for that she has earned the admiration of each and every one of us.

• (1450)

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, it gives me pleasure to associate myself with the Leader of the Government in the Senate by seconding the humble address to Her Majesty the Queen following the death of the Queen Mother. Since her passing on the Easter weekend, people from around the world, touched by her remarkable life, have taken the opportunity to reflect on what the Queen Mother meant to them, personally. World leaders have spoken of her grace, charm, commitment to service and, of course, her courage shown to all, ally and foe alike, which she exemplified during World War II. Perhaps Dr. George Carey, the Archbishop of Canterbury, best expressed the reasons for this outpouring of emotion in his sermon a week ago when he stated:

Like the sun, she bathed us in her warm glow. Now that the sun has set and the cool of the evening has come, some of the warmth we absorbed is flowing back towards her.

I can think of no more fitting tribute to the Queen Mother than to take the event of her death, the outpouring of love from all over the world, and put it in the larger context of world events. We as human beings are capable of acts of love, but also, sadly, of great acts of hatred, and ironically these share the world stage. Since September 11 of last year, we have witnessed a dramatic change in how we view nations and people differently from that of mainstream life in North America. We have been witness to and participants in the war in Afghanistan, and with each passing day we learn of further deaths in the Middle East as the conflict there has escalated to a point unimaginable only a few months ago.

The juxtaposition of these events should prompt us to wonder aloud why the love and affection shown to one person in death as in life cannot be broadened to all of our fellow human beings. It is not that we are not capable of such love. The support shown to the Royal Family and the tributes of people from all walks of life demonstrate this human emotion. Why can the same consideration, the same feelings of love and support for our fellow man and woman, not be demonstrated in the difficult times we are witnessing in the Middle East, Afghanistan and elsewhere in the world, where fear, loathing and hatred seem to be the dominant emotions?

If we are to learn from the past, and from great figures in our past, we should be able to learn from the faithfulness, courage and deep affection for people everywhere that the Queen Mother demonstrated in her long public life. Canadians should build on the qualities that she had in such abundance as we deal with our fellow Canadians and all peoples in our global community. The qualities possessed by the Queen Mother should not die with her but be taken up by each and every one of us to attempt to bring healing to our world, which is so manifestly troubled at the beginning of this new century. If each of us is able to do that in some small way, it will mean that her values, so eloquently spoken of by so many, will live on in all of us as a lasting tribute to a life so fully lived.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, as a French Canadian from Quebec, I have never been afraid to describe myself as a monarchist. It is up to Canadians to decide on the political system they wish to espouse.

I was somewhat saddened by the debate that was held in the House of Commons. One political party refused to join in the motion for unacceptable reasons. I find the tenor of the debate in the House of Commons regrettable.

I have no difficulty whatsoever in backing all that has been said by Senator Carstairs and Senator Lynch-Staunton. I would just like to see the English version correspond more closely to the French. I thank Senator Robichaud for having provided us with a copy.

The English term "engross" is very old-fashioned. In the dictionary, I find it goes back to the Middle Ages. A different term could be found. The last paragraph reads:

[English]

We assure Your Majesty that Canadians will ever hold in affectionate and grateful remembrance the love of which...

[Translation]

For proper understanding, we ought to do as in the first paragraph:

[English]

...Queen Elizabeth, the Queen Mother, inspired in all its people.

[Translation]

I do not know which version you prefer. I like the French version. Without putting forward another motion in the Senate, someone could perhaps consider this suggestion. We must make sure that both versions are the same.

I wish to thank Senator Carstairs and Senator Lynch-Staunton for their excellent address to Her Majesty, which avoided any unfortunate debates, such as the one that took place in the House of Commons, where they stuck to the old tradition and the old "humbly submit" wording.

Once again, although we are a very noble institution and attached to all our traditions, the Senate has demonstrated its avant-gardism. The House of Commons should consult authorities from all parties. This unfortunate and completely unacceptable debate initiated by the Bloc Québécois, which hijacked the debate, would have been avoided. I know Quebec's French Canadians. They all agree that this was a royally remarkable woman. If there is a need for a debate on the monarchy in Canada, fine. But to point a finger at people in other countries struck me as completely wrong.

I am pleased to be a part of this litany of praise. Senator Carstairs and Senator Robichaud — who kindly provided us with this copy — should give us this assurance.

[English]

I can see by the honourable senator's signal to me that, indeed, they will re-evaluate how we can make beautiful two copies of the same message.

Hon. Anne C. Cools: Honourable senators, I join with all senators in this address to pay tribute to our dear departed Queen Elizabeth The Queen Mother, and also to convey my heartfelt good wishes to her daughter, our Queen, Her Majesty Queen Elizabeth II, and to all the members of the Royal Family.

On April 9, I attended our own commemorative service for Queen Elizabeth The Queen Mother at Ottawa's Christ Church Cathedral. It was a fitting service, and one that the Queen Mother deserved. It was officiated by Bishop Peter Coffin and attended by the Governor General, Adrienne Clarkson.

Honourable senators, the Queen Mother lived a long and excellent life. Her journey was an abiding source of inspiration for millions. I had the honour and pleasure of meeting her in 1993, when she received a Canadian delegation — of which I was a member — at her London home, Clarence House. For me, that visit was a treasured and memorable moment. Her Majesty, Queen Elizabeth, the Queen Mother, showed us around Clarence House herself, conversing with us with affection about her memories of her famous Canadian visit in 1939 with her husband, King George VI.

Honourable senators, that particular visit in 1939 was conceptualized and actuated by Prime Minister William Mackenzie King and Winston Churchill as, first, a visit to Canada, and also to effect a meeting and dialogue with the then President of the United States, Franklin Delano Roosevelt. Mackenzie King and Winston Churchill believed that King George VI was the only man in the world who could persuade the American president of the true danger pending in Europe with Adolf Hitler. Honourable senators, it is small wonder that Hitler would think that Queen Elizabeth the Queen Mother was the most dangerous woman in the world. I would submit that any woman who is so loving, determined, zealous and committed to country, family and God would be a danger to certain individuals.

• (1500)

Honourable senators, in saying "goodbye," I again extend to Her Majesty Queen Elizabeth, our Queen, my deepest sympathy, my support, my affection and my prayers in her loss. I should like to say that I send the same to all the Royal Family, in particular to His Royal Highness Prince Charles, her first grandson. A more faithful friend than Queen Elizabeth, the Queen Mother, no country, no world, no family has ever had.

Hon. John Buchanan: Honourable senators, with great enthusiasm and pride, I support the motion of the Leader of the Government in the Senate.

When you have the great privilege of meeting the Queen Mother, as did I, you know that you are in the presence of royalty, but you also know that you are in the presence of a wonderful, warm and dignified human being.

I met the Queen Mother for the first time in London, in 1978, when I, as Premier of Nova Scotia, and the late Gordon Archibald, who was President of the International Gathering of the Clans, visited the Queen Mother at Clarence House in London. We had lunch with her and discussed the Gathering of the Clans in 1979 in Halifax and also the opening of the first International Tattoo in Halifax in 1979. The Queen Mother graciously accepted our invitation to open both events.

I fondly remember her during her three and one-half day visit to Halifax. My wife and I had the great privilege and honour of entertaining her over that period of time during what are called the "walk-about," as well as at various dinners at Government House and a provincial dinner that we tendered to her.

One remembers things that happen that are unique to a person like the Queen Mother. I remember sitting at the head table with her at the Nova Scotian Hotel, where she discussed two things with me. The first was the fact that she was Scottish and that she knew that I was John MacLennan MacLeod Buchanan, a Scot. She knew the history of the Scots in Nova Scotia and discussed it with me.

She then wanted to know what was going on off the shore of Nova Scotia with respect to the discovery of oil and gas, which surprised me. She likened it to what was going on in the North Sea. She wanted to know when the natural gas and/or oil would be coming ashore to Nova Scotia. I hastened to tell her that I hoped it would come ashore during my term as premier. It was interesting that she wanted to know where the drilling was taking place. I remember asking one of the waiters to bring a piece of paper to me. All he had was a napkin, but it was a firm napkin. I drew a picture of Sable Island for her, where the rigs were drilling, how far it was to bring the pipeline to Guysborough County, and then where the pipeline would be going through Nova Scotia and into the United States. She looked at me and said, "Would you mind very much if I take that with me?" There I was, with the Queen Mother, and she took this napkin, folded it up and put it into her purse.

I have a number of pictures on the wall in my office. I wish honourable senators would come over and look at them because they are wonderful. Two of them were printed in the *Halifax Herald* and the *Halifax Daily News* just a week and one-half ago. One of them is of my wife and I at the provincial dinner. The other is a picture of Gerry Reagan and I with the Queen Mother in the Red Room at Province House. There is another interesting picture there of the Queen Mother and I sitting at this dinner in Halifax, and I am holding the piece of paper that I was using to explain where the gas and oil exploration was taking place. I have that picture and other pictures.

The Queen Mum was the kind of person one would never consider would die. When it happened, it was unbelievable that she had passed on. We would never have thought that it would happen to her.

Honourable senators, the Queen Mother is a person we will never forget. There is no question that she was a woman of great dignity, integrity, intelligence, poise and courage, and that continued right until her death. She had the kind of smile that one never forgets. The smile was always there on her face. One knew, when one was talking to her, that she enjoyed people when she was speaking with them. She loved people to answer the questions that she asked. She took a tremendous interest in everything that was going on around her. Indeed, she was genuinely interested in what people had to say, and we visited with her for a number of days in Halifax.

Memory is a great thing, honourable senators. Sometimes a person's memory is revived by an event. While I was watching television a day or so after the death of the Queen Mother, the CBC played tapes of her visit to Nova Scotia. One of them revisited her arrival at the Metro Centre in Halifax. Perhaps Senator Kirby was there and perhaps Senator Forrestall was there. Elmer MacKay and I and the late Gordon Archibald were there on the platform, and the convertible car

The Hon. the Speaker pro tempore: Honourable Senator Buchanan, I am sorry to interrupt.

Senator Buchanan: I could not be finished already.

The Hon. the Speaker pro tempore: I should like to draw the attention of honourable senators to rule 23(7) on page 26 of the *Rules of the Senate*, which deals with when items are to be called in our order of business. The rule states that after 30 minutes, we should go to Question Period.

I need unanimous consent to allow Honourable Senator Buchanan to continue, or I must call for Question Period. Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: Please continue, Honourable Senator Buchanan.

Senator Buchanan: The convertible drove around the Metro Centre, and Gordon Archibald and I went down and escorted the Queen Mother to the platform. I watched that on television a week and one-half ago, and it revived for me the whole time that she was in Halifax — a time that will never be forgotten in Nova Scotia.

I saw the Queen Mother again in 1989 when I was in Scotland. My wife and I stayed at Holyrood House. It was a great honour to stay there. We were there for the Gathering of the Clans in Edinburgh, and the Queen Mother was in Scotland at the time. She came to Holyrood House to see us. I often think back and remind myself that the Queen Mother came to Holyrood House to visit with the late Gordon Archibald and myself.

• (1510)

Honourable senators, I am greatly honoured to wholeheartedly support this motion.

[Translation]

Hon. Laurier L. LaPierre: Honourable senators, I wish to rise to add my voice to the condolences being addressed to Her Majesty the Queen following the death of the Queen Mother. I support the humble address of the Senate and the House of Commons to the British Royal Family.

[English]

I, of course, have no stories. I am only a simple habitant from the borders of the Beauce. Consequently, I have not been able to reach the halls of greatness. Therefore, my only memory of the Queen Mother is from when I attended the convent of Disraeli when I was a boy. We were marched to the railway station by the nuns to watch the train go by. We waited for hours for it to arrive. It never stopped. We saw a woman waving and waving, and then she was gone.

Even though, as a journalist, I encountered the Queen Mother on her many voyages to Canada, attending functions at which I shook her hand, my stories are insignificant compared to those of Senator Buchanan and Senator Cools.

I hope that the expressions that have been made here today will survive the tests of time and history. As you know, history is constantly being rewritten and personages are constantly being re-evaluated. I hope that will not happen to this remarkable person.

[Translation]

Honourable senators, this death represents the beginning of new challenges. An era has come to an end and Canada now has an opportunity to analyse its relations with the British Royal Family and its own Constitution.

[English]

It is a good opportunity because with every death there is always rebirth, and the rebirth shall begin.

[Translation]

I thank Senator Carstairs and Senator Lynch-Staunton for their remarks and for this important motion, which we will be adopting unanimously.

[English]

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[Senator Buchanan]

[Translation]

BILL TO AMEND CERTAIN ACTS AND INSTRUMENTS AND TO REPEAL THE FISHERIES PRICES SUPPORT ACT

FIRST READING

The Hon. the Speaker *pro tempore*: informed the Senate that a message had been received from the House of Commons with Bill C-43, to amend certain acts and instruments and to repeal the Fisheries Prices Support Act.

Bill read first time.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the second time?

On motion of Senator Day, bill placed on the Orders of the Day for second reading two days hence.

[English]

CANADA-UNITED KINGDOM INTER-PARLIAMENTARY ASSOCIATION

MEETING OF FEBRUARY 10-16, 2002— REPORT OF CANADIAN DELEGATION TABLED

Hon. Donald H. Oliver: Honourable senators, as the founding co-chairman with Peter Milliken of this association, I have the honour to table in the Senate, in both official languages, a report of the Canada-United Kingdom Inter-Parliamentary Association concerning the delegation that visited London, Edinburgh and Cardiff from February 10 to 16, 2002.

STATISTICS ACT NATIONAL ARCHIVES OF CANADA ACT

BILL TO AMEND—NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT

Hon. Michael Kirby: Honourable senators, I give notice that on Wednesday next, April 17, 2002, I will move:

That, notwithstanding the Order of the Senate adopted on March 25, 2002, the Standing Senate Committee on Social Affairs, Science and Technology, which was authorized to examine and report on Bill S-12, An Act to amend the Statistics Act and the National Archives Act of Canada (census records), be empowered to present its final report no later than June 6, 2002.

CRIME AND VIOLENCE

NOTICE OF MOTION TO STRIKE SPECIAL COMMITTEE

Hon. Anne C. Cools: Honourable senators, pursuant to rules 56(1) and 57(1)(d), I hereby give notice that I shall move:

That a Special Committee be appointed to examine the questions of crime and violence in Canada, and their prevention, including the processes of criminal charges, plea agreements, sentencing, imprisonment and parole, with special emphasis on the societal and behavioural causes and origins of crime, and on the current developments, pathologies, patterns and trends of crime, and on the consequences of crime and violence for society, for Canadians, their families, and for peace and justice itself:

That the Special Committee have the power to consult broadly, to examine the relevant research studies, case law and literature:

That the Special Committee shall be composed of five senators, three of whom shall constitute a quorum:

That the Special Committee have the power to report from time to time, to send for persons, papers and records, and to print such papers and evidence as may be ordered by the Committee:

That the Special Committee have the power to sit during the adjournment of the Senate:

That the Special Committee have the power to retain the services of professional, technical and clerical staff, including legal counsel:

That the Special Committee have the power to adjourn from place to place within Canada:

That the Special Committee have the power to authorize television and radio broadcasting of any or all of its proceedings; and

That the Special Committee shall make its final report no later than two years from the date of the committee's organizational meeting.

QUESTION PERIOD

TREASURY BOARD

AUDITOR GENERAL'S REPORT— USE OF CONTINGENCY VOTE 5

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have a question for the Leader of the Government in the Senate. We now have before us the report of the Auditor General of Canada dealing with other audit observations, or Chapter 8. In this report she has raised serious questions about the way in which the government is using money voted for Treasury Board contingencies. In particular, I refer to Treasury Board Vote 5, contingencies, which, as honourable senators will recall, is supposed to fund miscellaneous, minor and unforeseen expenses. We are advised by the Auditor General that, instead, that vote is being used to authorize some grants that are anything but minor.

For example, the Auditor General points out on page 24 of her report that Vote 5 was used last year to authorize a \$50 million

grant to establish the Sustainable Development Fund, one of many agencies at which the Auditor General also takes aim in this report.

Can the Leader of the Government advise this house of her government's definition of "a minor and unforeseen expense"? In what way did this expenditure qualify as the kind of outlay that does not require a specific vote or at least a proper explanation in the Estimate documents that precede a supply bill?

• (1520)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator knows, the government, like the honourable senator, received the Auditor General's report today. As they do with all reports of the Auditor General, they are examining it carefully and welcome the changes and recommendations that the Auditor General has made.

In terms of the actual use of Vote 5, the government believes that it acted appropriately.

I note that the honourable senator made reference to Vote 5 being used to create the Sustainable Development Technology Fund, but he did not make reference to the \$95 million in grants to the airline industry as a result of the clearly unforeseen incidents on September 11. Clearly, that was a substantial sum of money. However, a response was needed quickly and Vote 5 was used.

I can assure the honourable senator that the observations of the Auditor General will be given every consideration.

Senator Kinsella: Honourable senators, the minister raises the emergency payment of \$95 million made to the airlines as compensation for the damages suffered as a result of the tragedy of September 11. The Auditor General gave some focus to that. It is the Auditor General who questions whether or not that type of payment, even though it was an emergency payment, fits within the purview of Vote 5.

Honourable senators, does the government not take the view that is taken by the Standing Senate Committee on National Finance, which view has been expressed over the years and reviewed in this report by the Auditor General? For example, in 1986, in its third report, the Standing Senate Committee on National Finance took the view that urgent expenditures of a miscellaneous nature are not to be drawn from those funds. The committee's view was that Vote 5 is only for miscellaneous minor expenses.

Does the government have a view as to the Senate's position that Vote 5 is really for minor expenditures? There are rulings from the Speaker in the other place that deal with the issue of expenditures being sought before legislation is actually enacted. However, I think this matter speaks to the fundamental principle of parliamentary oversight.

Does the Leader of the Government in the Senate have a view as to this matter?

Senator Carstairs: Honourable senators, I wish to tell the honourable senator that the Treasury Board Secretariat maintains that its use of Vote 5 is entirely within the law. Having said that, the Auditor General has made some significant comments, and those significant comments must be examined. The government will do just that.

THE SENATE

OATH OF ALLEGIANCE TAKEN BY SENATORS

Hon. Lowell Murray: Honourable senators, will the Leader of the Government in the Senate tell us whether there has been any amendment to the wording of the Oath of Allegiance taken by honourable senators?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, not to my knowledge.

Senator Murray: The minister may have heard a few minutes ago, as I clearly heard sitting here, our new colleague, Senator Lavigne, whom I welcome to the Senate —

[Translation]

pledge allegiance to Her Majesty Elizabeth II by adding “and to Canada.”

[English]

The minister will be aware that this is an amendment to the Oath of Allegiance and that the Oath of Allegiance is prescribed in the Constitution Act. I would like the minister to obtain assurances that it does not lie with an honourable senator to amend the Oath of Allegiance as he or she utters it. If that were the case, it would become like one of those modern marriage ceremonies where the bride and groom make up their own vows.

Senator Carstairs: Honourable senators, it is interesting that the honourable senator would raise the last comparison because I remember a very old priest who married my husband and me asking if I wished to take the oath of obedience, at which point, of course, I absolutely refused.

In terms of adding extra words to the Oath of Allegiance, I will look into this matter because I think the honourable senator raises a significant point on the issue.

As far as I know, the Oath of Allegiance has not been changed. We seem to have had some extra words added today. Whether those extra words are part of the actual Oath of Allegiance or whether they were just additional words added by the honourable senator, I will find out if it has been appropriately done.

Senator Murray: Honourable senators, perhaps my friend would like to take counsel with the Law Clerk as to the oath that was taken today. She will see, as we all will, the danger of improvisation. Another honourable senator might decide to swear allegiance to Her Majesty the Queen and to his or her spouse and children, or to the republic of Madawaska or to Opus Dei. We had better find out the status of the oath taken today.

Senator Carstairs: Honourable senators, I agree with the honourable senator. I will try to get an answer to him as quickly as possible.

Hon. Marcel Prud'homme: I should like to remind honourable senators that when I was sworn into this place I swore allegiance to our gracious Queen, Queen Elizabeth II, and I added the words, “Queen of Canada.” I did so because to me it is very important.

The fact that Senator Lavigne may have said — and we will check the record first — “and to Canada” illustrates his feeling about Canada. Knowing the honourable senator, I can assure honourable senators that he is quite a federalist. Perhaps, in the future, we will decide that it is a good proposal to say that everyone who sits in the House of Commons or in the Senate should swear allegiance to Canada. It may be quite embarrassing for some members. That is just a suggestion.

Senator Carstairs: Honourable senators, I thank the honourable senator for his suggestion. Of course, we would not want Senator Lavigne sworn in an inappropriate fashion that would, in any way, jeopardize his role here in the Senate —

Senator Kinsella: Such as his vote.

Senator Carstairs: As Senator Kinsella has pointed out, we would not want to have his vote jeopardized.

NATIONAL DEFENCE

AUDITOR GENERAL'S REPORT— RECRUITMENT AND RETENTION OF PERSONNEL

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government in the Senate. It concerns the Auditor General's report which makes clear where this government's defence priorities lie. The effective strength of the Canadian Forces in September 2001 was 52,300 men and women.

As we know from testimony given to the Standing Senate Committee on National Security and Defence, the government has, to some degree, overstaffed military communications research capacity, no doubt to spin the Challenger problems. The Canadian Forces are understaffed in intelligence specialists during a period when we are waging war against terrorism.

[Senator Kinsella]

Starting as soon as possible because this is an urgent matter, what steps will the government take to bring the Canadian Forces up to its full authorized strength?

• (1530)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator has indicated, the Auditor General had clear concerns about the issue of recruitment and, perhaps more important, the retention of armed services personnel, particularly in certain specific areas. He has identified one area, but others include key fields such as engineering, dentistry, medicine, and weapons technicians. He has also identified the fact that even when the armed services acquire these individuals, they seem not to be able to maintain them within the service.

As honourable senators know, there has been enunciation of a new policy. The Auditor General has concerns that it has unfortunately not been put into force and practice, and that its full extent will not be achieved until 2004. We therefore need to monitor the situation very closely, and to keep our armed services at a very high level.

The concern seems to be that although we are recruiting, we are not recruiting necessarily in the areas where we most require personnel. As with other recommendations of the Auditor General, the government will, of course, look into this matter seriously. However, to be fair, I know this is already a concern of the Minister of Defence, who hopes to move quickly on this particular issue.

Senator Forrestall: Honourable senators, over the years we have paid bonuses to retain pilots. It is very costly to train these men and women. We tend to overlook the growing sophistication of training for armament specialists. Perhaps we should be paying them the \$25 to \$35 per hour, that they could command if they were working in private industry.

The normal attrition rate for a military unit is 7 per cent. The attrition rate for non-commissioned members in the infantry, according to the Auditor General's report, is more than 20 per cent a year. That is three times higher than the normal attrition rate.

Can the Leader of the Government advise whether the government is planning any steps to ensure that our combat units are at their full and most effective strength?

Senator Carstairs: Honourable senators, let me thank the Honourable Senator Forrestall for his suggestion with respect to bonuses. It is a suggestion that I will put forward to the Minister of National Defence.

In terms of the specific failure of the armed forces to retain troops, which the honourable senator has very correctly indicated, it differs between 7 per cent and 20 per cent. This is an issue that the military itself has identified and which it hopes to take steps very quickly to improve.

Senator Forrestall: Honourable senators, the point of the question was that this matter goes back to 2001. We are halfway through 2002. The question is, essentially, when will we take serious note of the Auditor General's work and comments? Time is running out.

Senator Carstairs: Honourable senators, as the honourable senator probably knows, the armed services have been quite successful in bringing in new troops, but where there seems to be a gap is in the middle range age of troops. Those are the ones who are not recommitting to signing up. Those are the ones whose problems need to be identified, whether the issue is one of salary or of leadership. Those are the issues on which the minister is now concentrating in order to make that appropriate retention.

INTERNATIONAL TRADE

ISRAEL—FREE TRADE AGREEMENT— REQUEST FOR SUSPENSION

Hon. Marcel Prud'homme: Honourable senators, it would be unthinkable for me, after returning from some days off, not to raise any questions with regard to the extremely sad situation that we see developing before our eyes in the Middle East. I will be quiet and direct, and make a concrete proposal, as I intend to call for a debate tomorrow.

Honourable senators may recall that we signed a free trade treaty with Israel. The argument used then was that such a treaty would be a sign of encouragement. I remember the details very well. It is a sign of encouragement between Prime Minister Chrétien and Mr. Rabin. However, when the time came for it to be put to a vote here, Mr. Rabin was no more and, unfortunately, his successor was not one who would have made a deal that is so good for both Canada and Israel.

If I remember, the vote was 49 to four, with approximately 50 abstaining or being absent. It was a sign of encouragement. This is very important, and I do not need an answer today, but the agreement was supposed to be extended to the Palestinians. In order to get the maximum vote possible in the Senate, we were told that it was not only to achieve free trade with Israel but also to bring immense benefit to the Palestinians.

My question and suggestion to the Leader of the Government is: would she ask the government to consider whether or not the time has come to take dramatic action to show where Canada stands, by either suspending the effects of the free trade agreement, or recalling our Canadian ambassador? I would not ask to sever the relationship, but to recall our Canadian ambassador would be to send a signal for consultation and to take a little more active role.

As you have noticed, we danced a tango: one step backward, one step forward. We voted in Geneva. I will finish on this point. Once we voted with the Marshall Islands alone against the world. I like the Marshall Islands; I would like to see its geography. Now I believe we are making progress in foreign affairs: we are now voting alone with Guatemala — which may be a step higher up. I do not know. However, I understand why we did it. I understand that we have to give in on one side in order to make it tougher on the other side.

Honourable senators know I do not like pressure. I vote for what is in the interests of Canada. I take no marching order from any other country.

Would the Leader of the Government consider a dramatic gesture? Before going to the ultimate dramatic gesture, would she inform the government that I have been asking this question, and come back with an answer in due time, since the issue is very complicated? There are provisions in the free trade agreement that we could use.

My submission to the Leader of the Government in the Senate is that we should consider sending a strong message in light of the calamity taking place before us on television. Canada could do this in order to send signals, to show where we stand. Either recall our ambassador for further consultation, which is a signal in diplomacy, or temporarily suspend the effects of the free trade agreement.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the honourable senator has made proposals, but they are not ones with which I concur. As I take to my colleagues everything that is suggested in the Senate, I will likewise bring forward the honourable senator's suggestions, but I must be very clear that I would not recommend such activities. I do not think that either suspending the free trade agreement or recalling the Canadian ambassador for consultation, which would be actions against one side in this conflict, would be in the best interests of the entire process taking place in the Middle East at the present time.

FOREIGN AFFAIRS

CONFLICT IN ISRAEL

Hon. Pierre Claude Nolin: Honourable senators, may I ask the Leader of the Government to tell us what her government is planning to do?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator knows, the United States has made a proposal for a regional peace conference. We certainly will support that initiative. We think it is a positive development. We stand ready to assist the cause of peace in any way we can. However, as to taking specific action at this point, we do not think that that is in the best interests of the situation.

Senator Nolin: Honourable senators, does the government support the proposal made by the Israeli Prime Minister not to have around the table the Chairman of the Palestinian Authority? Does the government support that proposal?

• (1540)

Senator Carstairs: Honourable senators, the proposal, as I see it, would not meet with the proposal subsequently made by the Prime Minister of Israel that if you have a peace conference, you have a peace round table, and all the players must be there.

FINANCE

MERGING OF BANKS FOR PURPOSES OF WORLD COMPETITION

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. On April 4 the *Financial Post* ran a story concerning the size of Canada's banks and whether they are big enough to compete with the best in the world. According to Moody's Investors Service, Canadian banks are falling behind their U.S. counterparts and competitors in syndicated lending because Canadian bank mergers have not come about. What is current government policy and does the leader expect it to change this year so our banks can merge and become more competitive?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the Honourable Senator Oliver for his question and for notice of the question. Honourable senators, allow me to digress for one moment. The question that Senator Oliver is asking today is of a complex nature, and under normal circumstances I would have had to take it as notice. However, because I was provided with notice, I was able to obtain the information for him.

The government certainly believes that mergers constitute a viable business strategy. The government has issued guidelines that establish a formal and transparent review process for mergers among banks with over \$5 billion in equity. The merger would have to be assessed on its own merits, and the banks would have an important role to play in persuading Canadians that mergers would be in the public interest. However, the policy of the Government of Canada does not prohibit such mergers. We believe that is a decision to be made by the banks, within the guidelines as laid out by the government.

Senator Oliver: I thank the honourable senator for that answer. Moody's claims that a successful lending business requires both a large balance sheet and a solid distribution network. Canadian banks are disadvantaged in both areas because they have not grown relative to the growth of their U.S. peers. As honourable senators know, the comparatively smaller capital basis and earnings of Canadian banks make them more prone to potential concentration risks and more vulnerable to rating downgrades than the big banks south of the border. What policy initiatives is this government considering to help guard against the possibility of our banks being downgraded because of their size?

Senator Carstairs: Honourable senators, allow me to reiterate. Any contemplated merger is the decision of the banks. A policy decision that Canadian banks should merge will not be made by the federal government. The banks must make that decision. Of course, we have put a regulatory and legislative framework together in Bill C-8, which establishes the structure that we think is flexible and which will promote the kind of competitiveness that the honourable senator is obviously seeking for Canadian banks.

In the final analysis, it is up to the banks to decide their own business strategies and to make their own business decisions with respect to competitiveness.

AGRICULTURE AND AGRI-FOOD

COST OF CROP INSURANCE

Hon. Leonard J. Gustafson: Honourable senators, my question is to the Leader of the Government in the Senate.

The farmers are about to plant another crop. We have heard a great deal of talk over the last year and one-half about programs that will be in place before spring. The province of Saskatchewan delayed their crop insurance program to April 19 in the hope that there would be a safety net in place to alleviate some of the difficulties. In fact, in Saskatchewan the Federal-Provincial Crop Insurance Program is worth about one-half of last year's value. Spot hail claims have been removed from the crop insurance and premiums are up. I have been told by many farmers in the past two weeks that we will have to pay twice as much as last year for the hail insurance and the various elements of the crop insurance.

This seems to be headed in the opposite direction to what farmers expected in a very difficult time. As senators from the West know, we have had small amounts of moisture in some areas, but the overall picture is not bright. Is the honourable senator aware of any news from the Department of Agriculture and Agri-Food?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, to my knowledge there is no news to come. However, as the honourable senator is aware, basic rules for crop insurance are decided by the Province of Saskatchewan and not by the federal government. Any changes to the base of protection are made provincially, not federally. The Canadian government has put aside \$195 million for the Federal-Provincial Crop Insurance Program. In response to Senator Gustafson's specific question, I am unable to give him any good news about changes in the status of agriculture policy.

Senator Gustafson: Honourable senators, the honourable senator must be aware that when the federal government shares, they are sharing with the provinces that do not have the means to meet the obligations, whereas Manitoba or Alberta may well have the means to do that. At the same time, of course, it means less money for the federal and provincial governments because they do not have it. Bear in mind that it is the farmers who end up with no insurance. That was a statement rather than a question.

Senator Carstairs: Honourable senators, with the greatest respect, I would agree with the comparison to Alberta but not the comparison to Manitoba. If one were to compare the budgets of Manitoba and Saskatchewan, I would think that one would find Saskatchewan to be better off than Manitoba. In respect of policies, as you know, farmers are treated equally by the federal government because they are Canadian citizens and they are farmers where they are farming. It is not up to the Canadian government to make decisions on the individual budgetary plans of provinces.

INTERNATIONAL TRADE

UNITED STATES—RENEWAL OF SOFTWOOD LUMBER AGREEMENT

Hon. Gerry St. Germain: Honourable senators, my question is also for the Leader of the Government in the Senate and concerns the softwood lumber issue. Has there been any progress on a resolution for the softwood lumber issue? There have been some deliberations, apparently, in respect of a declining tariff. Could the honourable senator elaborate on this for the sake of our constituents and for all British Columbians?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the deliberations are ongoing but I cannot provide the honourable senator with any specific information because it is not available. I suppose the good news is that there will be a small time gap beginning May 5 when no duties will be imposed. However, clearly, we need to resolve this issue as quickly as we possibly can.

Senator St. Germain: Honourable senators, I understand that the time gap is the result of an error on filing on behalf of the Americans, which is a Godsend to all of the provinces that are producing softwood lumber. I speak for British Columbia, but we are really speaking about several other provinces as well that have been negatively affected by this issue.

Honourable senators, we have the expertise and the experience of people such as Senator Austin and the expert business background of Senator Fitzpatrick and others. Has there been any thought given to establishing a Senate study committee to bring different avenues of expertise and experience to this particular issue? I have suggested other means of bringing in individuals as mediators. I am not speaking from a partisan point of view but rather I am speaking to this issue out of desperation for the more than 20,000 unemployed workers and for towns shutting down. I recently talked to people in Port Hardy and Port McNeill in North Vancouver Island and there is absolute devastation. It is as bad as Senator Rompkey's fishing dilemma a few years ago.

• (1550)

I ask for her leadership in considering a Senate committee because I think that we should utilize the expertise in this place. Senator Austin was a cabinet minister in a previous government, while Senator Fitzpatrick has a deep interest in this issue. What is the reaction of the honourable leader?

Senator Carstairs: Honourable senators, I thank the Honourable Senator St. Germain for his question, but I do not determine what the Senate studies. The Senate determines that, and it is decided by a vote taken in this chamber. I have brought forward his suggestions in the past because I think they have been worthy of consideration.

This file remains an extremely important file for the government and is very high on its agenda. I am sure that senators on this side would lend the benefit of their experience, particularly Senator Austin and Senator Fitzpatrick, to both Mr. Pettigrew and the Prime Minister, on this issue.

[Translation]

DELAYED ANSWER TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table in this House responses to two questions. The first is a response to a question raised in the Senate on November 28, 2001, by Senator Kinsella, regarding the effect of discharging a firearm on an airplane in flight. The second is in response to a question raised in the Senate on November 28, 2001, by Senator Prud'homme, regarding the carriage of firearms by air marshals on flights originating in foreign countries.

TRANSPORT

EFFECT OF DISCHARGING FIREARM ON AIRPLANE IN FLIGHT

(Response to question raised by Hon. Noël A. Kinsella on November 28, 2001)

In the certification of pressurized aircraft Transport Canada considers a variety of failure scenarios. Damage to the fuselage pressure shell is addressed to ensure both the maintenance of the structural integrity and to limit the exposure of the occupants to unsafe pressure altitudes.

These scenarios include penetration of the fuselage pressure shell at maximum operating altitude by projectiles larger than those discharged by a firearm. Although there are hazards associated with some of these scenarios, they are not acceptable in the certification process of the aircraft if they have a catastrophic effect on the aircraft.

On the basis of existing test data and analysis, penetration of the fuselage structure by a discharged firearm is considered by the Aircraft Certification Engineering design specialists in Transport Canada to be considerably less damaging than the aircraft design scenarios presently mandated. Therefore, no further testing is considered beneficial.

Transport Canada has participated in regulatory harmonization activities with other authorities. These activities address security threats, including bomb detonation on board an aircraft at altitude.

Transport Canada has not carried out any specific testing to determine the effects of discharging a firearm through the pressurized fuselage of an aircraft.

We are not aware of any specific firearm tests performed by other authorities, including the FAA.

CARRIAGE OF FIREARMS BY AIR MARSHALS ON FLIGHTS ORIGINATING IN FOREIGN COUNTRIES

(Response to question raised by Hon. Marcel Prud'homme on November 28, 2001)

It is well known that, for the last several years, El Al has had armed officers on board its commercial flights for the protection of its passengers and crew. Some years ago, the Canadian government of the day agreed that these flights would be allowed access to Canadian airports and that El Al would provide its own special security arrangements for its aircraft on the ground. These arrangements continue, but do not include allowing access of armed guards from this or any other foreign airline into the airport terminal.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with respect to Item No. 1 under Government Business, I wonder if the Deputy Leader of the Opposition could tell us when we might hear from the opposition on Bill C-35 and dispose of the bill at third reading?

[English]

FOOD AND DRUGS ACT

BILL TO AMEND—THIRD READING — DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Cook, for the third reading of Bill S-18, to amend the Food and Drugs Act (clean drinking water).—(*Honourable Senator Robichaud, P.C.*).

Hon. Lise Bacon: Honourable senators, in speaking to the third reading of Bill S-18 today, I wish to quote the following from the summary of the bill:

This enactment amends the *Food and Drugs Act* to include water in a community water system as a food subject to federal regulation and approval....

The Act is amended to include any place where water destined to be drinking water is accumulated or collected...it allows for inspection of lands that form part of the watershed area from which the drinking water is taken.

[Senator Carstairs]

We all agree, honourable senators, that safe drinking water is essential to the health and safety of all Canadians. Drinking water is an essential resource and, furthermore, we all expect water to be protected.

Bill S-18 deals with two major issues: first, the nature of water, and second, the provincial and territorial control of water resources.

Honourable senators, we are being asked to change the definition of water from a natural resource to a food. I am profoundly reluctant to deal with changing a definition that for centuries has been an integral part of the traditions, mores, customs, history and science of humanity. Re-establishing the nature of water is an extremely complex task, which I firmly believe goes far beyond the scope of our duties. We are also being asked to agree that if water is food, it is subject to federal regulations under the Food and Drugs Act.

[Translation]

In my opinion, by considering water a food under the definition set out in this bill, the federal government is encroaching on an area of provincial and territorial jurisdiction. We in Canada have the good fortune to have water resources that are unequalled elsewhere. Canada has vast water resources, the quality of which is among the best in the world. It is perfectly normal to want to protect and preserve those resources. We have in fact been doing so for so long that the protection of drinking water supplies is sometimes just taken for granted. This is not something that just happens all by itself, and the federal government has, in conjunction with all of the provinces, drawn up guidelines, systems, controls, in order to ensure drinking water quality. These collaborate efforts, I might add, work well, and give good results as well.

At the heart of this partnership is the Federal-provincial-territorial Sub-committee on Drinking Water, the members of which work together, sharing their expertise, improving and updating Canada's drinking water quality recommendations. The recommendations are reviewed constantly and distributed to the provinces and territories to help them establish directives, regulations, and objectives applicable to each area of jurisdiction, the purpose of this being the creation of effective programs for monitoring water quality.

[English]

Although the federal government is not directly involved with the management of watersheds, it nevertheless monitors drinking water programs and carries the specific responsibility through Health Canada to provide for the necessary research needed to maintain and update methods of quality control.

Our programs have worked well. If errors have occurred, they are the exception and not the rule. We must look at them in a constructive way as an opportunity to examine closely the evolving needs and expectations of the provinces, and their human technical resources in analysing the programs they already have in place.

I should like to call the attention of honourable senators to the Constitution Act, 1867. The act does not expressly assign responsibility for drinking water to any level of government. Both provincial and federal levels of government share jurisdiction. Furthermore, historically the provinces have held

the legislative power over drinking water within their boundaries, subject only to any conflicts with legislation enacted under the federal regulatory system.

Clearly, taking away the power over water resources from the provinces is an infringement of the federal government over provincial jurisdiction. The responsibility for providing safe drinking water should remain with the provincial and territorial governments. They have the expertise and systems in place. The federal government, on the other hand, should continue its leadership role in the areas of research and scientific support. We are a federation and we should act as such. Safe water is the desirable objective here. It should never become a constitutional issue.

[Translation]

Honourable senators, let us focus our efforts on consolidating our partnerships with the provinces, by broadening our research and having the best possible technical facilities for distributing quality drinking water. Let us protect our natural resources as much as we can, and let us do so by working together, focussing on education, providing our human resources with the necessary skills, and pooling our expertise.

March 22, 2002, was the day designated by the United Nations as World Water Day, to look at the water situation throughout the world. This important day reminds us what a precious natural resource water is, and so, far be it from me to reject the new policies out of hand.

• (1600)

Instead, I propose that we accept the legacy which has been left us, that we know the means available to us to ensure its continuation. The principle of sustainability involves coming up with solutions which are satisfactory on all counts and which will benefit both the government and the provinces, as well as the Canadian public.

[English]

Hon. Charlie Watt: Honourable senators, would the honourable Senator Bacon accept a question?

Senator Bacon: Certainly.

Senator Watt: The honourable senator clearly stated that the provincial government had, and should continue to have, new restrictions over the regulating of water. Would the honourable senator enlighten me as to whether Indian reserves also come under the provincial jurisdiction, or do they remain under the federal jurisdiction? How does that interplay take place?

Senator Bacon: As far as water is concerned, it is both provincial and territorial control. That is a major issue. Provincial governments and territorial governments do work with the federal government on water resources. Water is a resource, not a food.

Senator Watt: Do I understand the honourable senator to say that Indian reserves also fall under the territorial or the provincial governments that work with the federal government? Is it really a no man's land? Is that what it is?

Senator Bacon: To my knowledge, the federal and provincial governments work together on water resources. They are under federal, provincial and territorial jurisdiction.

Senator Watt: I wish to thank the honourable senator for those answers.

The Department of Indian Affairs has jurisdiction over the reserve areas. I would imagine that the federal government has jurisdiction over the Indian reserve, including the water on the reserve itself. Is that not the case?

Senator Bacon: If I remember correctly, as Minister of Energy I had something to say about the water that was on the reserve. It is something that must be done with federal, provincial and territorial jurisdiction.

On motion of Senator Robichaud, for Senator Morin, debate adjourned.

CODE OF CANADIAN CITIZENSHIP BILL

SECOND READING— SUBJECT MATTER REFERRED TO COMMITTEE

On the Order:

Resuming debate on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator Bolduc, for the second reading of Bill S-36, respecting Canadian citizenship.—(*Honourable Senator Cook*).

Hon. Joan Cook: Honourable senators, it gives me great pleasure to rise today to join in the second reading debate of Bill S-36, respecting Canadian citizenship.

The intent of this bill, introduced by Senator Kinsella, is to celebrate Canadian citizenship and to bring equality between those who acquired citizenship by birth and those who choose to become Canadian citizens. This is a noble goal, and I hope the committee study of this bill will deal with whether this goal has been met.

Honourable senators, I should like to preface the goal of Bill S-36 by sharing the personal relevance to my home province of Newfoundland and Labrador on this important subject. Just over 50 years ago, as a Dominion, we chose and were chosen to become Canadian citizens. Historians now recognize that Canada needed Newfoundland and Labrador just as much as Newfoundland and Labrador needed Canada. A consultative process to negotiate the Terms of Union, namely, the national convention, began in 1946, with officials in Canada and the province arriving at a consensus by March 31, 1949, that saw some 250,000 of us become Canadians.

Newfoundland and Labrador did join the Confederation, bringing along all of its incredible natural resources and its people. Newfoundlanders and Labradoreans brought to Canada their incredible wit and charm, their work ethic, their cultural richness and centuries of history. The union, I believe, for the most part, has been positive.

Honourable senators, this bill, as most bills of great symbolic and legal significance, contains a lengthy preamble. The preamble recites our parliamentary traditions, constitutional foundations and our shared values as Canadians.

Clause 2 contains a modern oath of citizenship modelled after the oath contained in the previous citizenship bill introduced by the government in the previous Parliament.

The bill provides for the promotion of Canadian citizenship through the establishment of the Canadian citizenship commission dedicated to this task. This commission is charged with promoting the ideals of Canadian citizenship, defining the concept of Canadian citizenship and explaining the rights and obligations that citizenship entails.

Part II of the bill deals with the acquisition of Canadian citizenship by birth and through choice. Part III deals specifically with naturalization.

It is clear from clause 18 of the bill that the intent of the sponsor, Senator Kinsella, is to ensure the equal status of those who acquire citizenship by birth and those who acquire it by choice. However, as we all know, those who acquire citizenship by choice through the naturalization process may, at some time, lose their citizenship. How can they lose it? Primarily, citizenship can be lost if it were obtained by fraud, by using false identity, or by contravening one of the enumerated grounds set out in the bill.

Honourable senators, a section of Senator Kinsella's bill is of concern to one of our colleagues in the other place, Andrew Telegdi. He is concerned that citizenship may be revoked without due process. There is a form of judicial review set out in Bill S-36 but Mr. Telegdi feels it is not sufficient.

On virtually the same subject matter, the Canadian Jewish Congress has written to Senator Kinsella raising the issue that the clauses of revocation are not tight enough. The congress is concerned that those who are not entitled to become Canadian citizens could obtain and keep Canadian citizenship.

There is sufficient material in this bill to allow senators to debate the various issues surrounding citizenship. This bill marks an acceptable beginning in the search for our modern Canadian Citizenship Act. However, at committee, members may want to bring changes to various parts of the bill.

SUBJECT MATTER REFERRED TO COMMITTEE

Hon. Joan Cook: Honourable senators, it is for these reasons that I move, seconded by Senator Kinsella:

That the Bill be not now read the second time but that the subject matter thereof be referred to the Standing Senate Committee on Social Affairs, Science and Technology; and

That the Order to resume debate on the motion for the second reading of the bill remain on the Order Paper.

This process would give honourable senators the maximum amount of flexibility in their study of the bill and the concept of Canadian citizenship.

pro tempore:"> **The Hon. the Speaker pro tempore:** Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

• (1610)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

TWELFTH REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the twelfth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (amendments to the Rules—official third party recognition), presented in the Senate on March 26, 2002.

Hon. Jack Austin moved the adoption of the report.

He said: Honourable senators, the Senate has adopted the seventh report of the Standing Committee on Rules, Procedures and the Rights of Parliament and, in so doing, adopted the principles which are to be engrossed as the *Rules of the Senate* with respect to third parties. The seventh report was presented to the Senate on November 6, 2001, and adopted on February 5, 2002.

As a result of the adoption of the seventh report, the Standing Committee on Rules, Procedures and the Rights of Parliament has reviewed the draft rules which would carry forward the policy of the Senate as approved in its seventh report. The Law Clerk of the Senate, Mark Audcent, has worked with the committee in preparing these rules which carry forward the principles essentially that a third party recognized in the Senate would mean a party that initially has five or more members, is a registered party under the Canada Elections Act, and continues without interruption to have five or more members in the Senate whether or not it ceases to be a registered party under the Canada Elections Act. To be clear, at the time it becomes a recognized party in the Senate, it must be a registered party under the Canada Elections Act.

All of the rules that apply conform to the Senate rules on procedure and provide that the leader of any third party — because the term "third party" applies to all other recognized parties in the chamber, as it does in the other place — shall be permitted speaking time. However, as you will see in paragraph 3

dealing with the amendment to rule 37, whereas the Leader of the Government in the Senate and the Leader of the Opposition are permitted unlimited time for debate, the leader of a recognized third party will be permitted no more than 45 minutes for debate. There are other consequential amendments.

If honourable senators have any questions, I would be delighted to take them. These rules were unanimously adopted by the Standing Committee on Rules, Procedures and the Rights of Parliament and have been conformed by the committee, to the instructions of this chamber.

On motion of Senator Stratton, for Senator St. Germain, debate adjourned.

PRIVACY RIGHTS CHARTER BILL

SECOND READING —ORDER STANDS

Hon. Laurier L. LaPierre: Honourable senators, I should like to revert to item No. 9 of Senate Public Bills, which is Senator Finestone's Bill S-21. I am an old man and I had to leave the Senate. I should like to speak on this bill since I am devoted to its principles. I waited for the debate to resume and I have been lost. I beg your indulgence. I am trying to be good on this side of the House as opposed to being bad on that side of the House.

The Hon. the Speaker pro tempore: Is leave granted?

Some Hon. Senators: No.

The Hon. the Speaker pro tempore: I am sorry, leave is not granted.

Senator LaPierre: That is not nice. I will remember.

SURVEY OF MAJOR SECURITY AND DEFENCE ISSUES

REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the adoption of the fifth report (final) of the Standing Senate Committee on National Security and Defence entitled: *Canadian Security and Military Preparedness*, deposited with the Clerk of the Senate on February 28, 2002.—(Honourable Senator Roche).

Hon. J. Michael Forrestall: Honourable senators, I begin by commending my colleagues on this committee for an excellent first report on the state of Canadian national security and defence. I should also like to thank the Clerk of the Committee, Ms Barbara Reynolds, and the secretariat staff — Major-General (Ret.) G. Keith McDonald, Chief Warrant Officer (Ret.) J.J.L.M. Dessureault, Deputy Commissioner (Ret.) Roy V. Berlinquette and Mr. Grant Purves of the Library of Parliament. To paraphrase one of Shakespeare's plays, *Julius Caesar*, no table was better set.

Honourable senators, I commend the report to you as required reading on the state of this country's national security. Perhaps I should have said "on the state of this country's national insecurities." The evidence the committee gathered for this report was startling in some regards and confirmed many of our worst fears. The Canadian Forces are under strength by some 25,000 men and women. The Canadian Forces are underfunded clearly by the \$4 billion lost in the years since the last white paper. Funds that were committed by the white paper were never brought into play.

As a G8 country, a global trader with interests around the world and as a member of NATO, we have large gaps in our military capabilities. That fact presents a serious risk to Canadian security and interests. I could easily recite a list of serious deficiencies in our military capabilities, such as the lack of a modern maritime helicopter, the lack of modern tanks and the lack of strategic air and sealift assets. However, I will restrain myself here in order to concentrate on a few key recommendations, some of which are near and dear to my heart.

Under its defence recommendations, honourable senators, the committee recommended an increase of troop strength to at least 75,000. Those of you who were here during Question Period might have heard me put the number of 53,000 on the record, which is somewhat below even the active requirement. We need an additional 75,000 personnel and an immediate increase in next year's defence budget of some \$4 billion. Presently, we are well below the mandated 60,000 personnel and well below the 55,000 effectives. These are the men and women whom the Canadian Armed Forces require to carry out minimum tasks assigned to them.

• (1620)

This lack of manpower in the war on terror, or better stated as what the British used to refer to as an "emergency," is completely unacceptable and totally irresponsible on the part of the current government. We need the recruits now. The army commander will have to eliminate units in a severely understrength army in order to accommodate army change if he does not get additional soldiers and financial resources to train that army.

The Princess Patricia battle group, now in Afghanistan on the offensive, is not made up of one cohesive, trained, military unit; it is an amalgamation of two infantry battalions and four other units. We sent them overseas without joint training, which is absolutely essential, a cardinal law. We sent them overseas without fresh water, without toilets, without stoves, without hospitals — without proper gear.

Honourable senators, our Sea King crews are overstretched by Operation Apollo, and they are now tasked with primary search and rescue because the Labradors at Greenwood, on the Atlantic coast of our nation, are down the spout. These brave men and women need government help. For the very people who put their lives on the line, day in and day out, seven days a week, without a whimper, this is completely and totally irresponsible. We need, as I have suggested, the additional troops and additional money, and we need it now; not next year or the year after.

Now to the serious issue of Canadian ports: Canada's significant ports — particularly Montreal, Halifax and Vancouver — are open to organized crime, terrorists and illegal immigrants. It is an unfortunate and unnecessary fact of life. This government eliminated what security was in place before by eliminating the Ports Canada Police. The government was told, at the time of their disastrous decision, that it was a mistake to eliminate the expertise in the Ports Canada Police structure, but they did not listen. Now the danger of our ports being used as an entry point for illegal drugs and illegal migrants is dwarfed by the fear of receiving or transferring on to a major Canadian city or the United States irradiation or a small nuclear weapon. Honourable senators, one cobalt radiation bar used to irradiate food, to kill off pests, if wrapped in conventional explosives on a day with light winds and exploded in downtown Manhattan, would render Manhattan uninhabitable for decades.

The world has become a scary place since September 11, when ordinary airplanes filled with innocent people were turned into effective and deadly weapons of mass destruction. Our significant ports, as well as our economic well being, are extremely vulnerable to penetration from organized crime and terrorists. Major ports such as Halifax are the naval checkpoints of today and tomorrow. I ask you, honourable senators, what is the cost of doing nothing? What is the cost of risk-taking? That is why the committee has recommended that a public inquiry into the security of our significant ports be conducted under the Inquiries Act. The government has already said no to this critical recommendation, but it is my hope that they will rethink this course before it is too late. Already there have been reports in the United States of unidentified frogmen near nuclear-powered warships in what were, up until now, considered to be safe naval anchorages. Imagine the danger of doing nothing to safeguard our significant ports.

The committee also recommended improvements to the security at Canadian airports and the necessity of screening all baggage before it is put on the plane. Passengers must be screened effectively to ensure the right to travel freely and in safety. We cannot risk a Richard Colvin Reid, the so-called shoe bomber, on a Canadian flight. Life is too dear to ignore the technology available to virtually sweep a plane and clean it before it clears the ramp.

The committee recommended that the Canadian Security Intelligence Service increase its foreign intelligence-gathering activities. Intelligence is our first line of defence in the war on terror, and it is the springboard to victory. Intelligence played a significant role in every major American military failure between 1945 and 1979, from the failure to predict that the Chinese would cross the Yellow River to the failure that ended in fatalities in Iran after the ill-fated attempt to save the American hostages there during the revolution.

On the other hand, intelligence was the key to every British counterinsurgency emergency in the late forties through to Borneo in the late sixties. Intelligence is the key, and human intelligence-gathering is at a premium. Thus, CSIS must increase its foreign intelligence-gathering now.

Remember what the ancient Chinese military theorist, General Sun Tzu, wrote in his work, *The Art of War*:

If you know the enemy, you know yourself. You need not fear the result of a hundred battles. If you know yourself but not the enemy, for every victory gained you will also suffer a defeat. But if you know neither the enemy nor yourself, you will succumb in every battle.

Clearly, honourable senators, in a free and democratic society, even in war we need oversight of our intelligence capabilities. Thus, the committee recommended that there be an examination to determine whether any additional agencies, apart from CSIS and the Communications Security Establishment, require oversight bodies.

Lastly, the committee recommended that a study be undertaken to define security policy. This formulation of a national security policy must be preceded by a foreign policy review and then by a defence policy review. We cannot allow our national security to be dictated solely by the dollar sign. Freedom and the privileged lifestyle that Canadians enjoy and demand from government come at a price. Surely, defending that way of life through a rational framework of policy and government action must be worthwhile.

Honourable senators, I suggest we may wish to take a page from the book of Australia. Canada must, in my opinion, conduct a foreign and defence policy review through public consultations with parliamentarians, the defence and foreign policy communities and the Canadian people to determine what our national security requirements are and then determine how to pay for them, not the other way around, as this government has done in the secrecy of cabinet. Then when we know what we want and what it will cost, the government and opposition leaders should commit in writing the funding of that program. The government may choose to ignore our report and bypass its recommendations altogether, but it does so at its own peril, and the peril of Canadian society. I hope the government takes the committee's recommendations seriously and implements them as soon as possible.

• (1630)

I will remind you, honourable senators, that it was Edmund Burke who said:

The only thing necessary for the triumph of evil is for good men to do nothing.

[Translation]

Hon. Jean Lapointe: Honourable senators, I would like to ask that debate be adjourned in respect of the first part of Senator Forrestall's speech. I do not know whether that is possible.

I agree with the point Senator Forrestall made in the second part of his speech. But I disagree completely with the first part concerning increased spending by the armed forces.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

On motion of Senator Lapointe, debate adjourned.

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO STUDY NEED FOR NATIONAL SECURITY POLICY

On the Order:

Resuming debate on the motion, as amended, of the Honourable Senator Cordy, seconded by the Honourable Senator Milne.

That the Standing Senate Committee on National Security and Defence be authorized to examine and report on the need for a national security policy for Canada. In particular, the Committee shall be authorized to examine:

(a) the capability of the Department of National Defence to defend and protect the interests, people and territory of Canada and its ability to respond to or prevent a national emergency or attack;

(b) the working relationships between the various agencies involved in intelligence gathering, and how they collect, coordinate, analyze and disseminate information and how these functions might be enhanced;

(c) the mechanisms to review the performance and activities of the various agencies involved in intelligence gathering; and

(d) the security of our borders.

That the Committee report to the Senate no later than October 30, 2003, and that the Committee retain all powers necessary to publicize the findings of the Committee until November 30, 2003; and

That the Committee be permitted, notwithstanding usual practices, to deposit any report with the Clerk of the Senate, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.—(Honourable Senator Robichaud, P.C.).

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, when I asked for adjournment on this motion some time ago, it was so that the Standing Committee on Internal Economy could examine the requests which would be sent to it by the various committees and evaluate the resources these committees would need to carry out their various mandates. I do not wish to further hold up the debate. I would be prepared to have Your Honour put the question on Motion No. 120.

[English]

Hon. Jane Cordy: Honourable senators, I move that this motion be now adopted.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

[Translation]

ROLE OF CULTURE IN CANADA

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Gauthier calling the attention of the Senate to the important role of culture in Canada and the image that we project abroad.—(*Honourable Senator LaPierre*).

Hon. Laurier L. LaPierre: Honourable Senators, I would like to apologize to Senator Gauthier for having adjourned debate on this motion some time ago.

In the past months, I found that when debate was adjourned for one senator or another, it would remain on the Order Paper for quite some time and I believed that it was not open to other debate. I learned recently that I could speak to them at any time, even if the debate was adjourned for another senator.

Having learned that lesson today from one of my colleagues, in the future, I intend to speak when I wish, rather than taking it for granted that the debate has been adjourned for someone else.

[English]

Today, honourable senators, I would like to speak to this important issue of culture in our country. To me, heritage is the ensemble of all that gives our future a past. Culture is the expression and the manifestation of the content of that heritage. In practical terms, this means that there must be a facilitation of the development of the heritage and cultural content of Canada and the access of Canadians to that content, along with their awareness, knowledge and understanding of it.

Furthermore, it is incumbent upon legislators to use heritage and culture to encourage the participation of the Canadian people in our national life and to bring about this much-desired interconnection between us all, a characteristic that remains the foundation of our country and of our nation.

[Translation]

This issue is of tremendous importance. When I was chair of Telefilm Canada's board of directors, I came to realize that Canadians do not appreciate the value of Canadian content presented in our full-length feature films, our television shows and our books, with the exception perhaps, of our music.

I also noticed that Canadians were much more interested in identifying with foreign cultures, for a number of reasons. I always fought against this, and did all that I possibly could to try to convince them that there was great value to Canadian content and that it had to be respected, and more importantly, appreciated.

[English]

As a history professor for many years and as Chairman of Heritage Fairs, I have, since November, over a quarter of a million young people across this country participating in what I call a "heritage fair." They determine a moment in the history of our country, a moment of their heritage. They present it to their class and then to their school. Then I move thousands of them around to regional fairs. In May of this year, we will bring 165 of them to a national fair in the magnificent city of St. John's, Newfoundland.

The reason for doing that is our children do not know their history any more than do their parents. In fact, Canada is the only country in the world where the citizens take astonishing pride in being ignorant of who they are. The end result is that our national cohesion, which is so important for us to have, is broken down. A culture, a society, a country, a nation exists and lives by its stories. Its capacity to tell its stories is the manifestation of the depth of its belonging.

[Translation]

It is by telling our own story that we will be able to better understand ourselves and improve relations between Canadians, to strengthen the ties that bind us, ties that are becoming so important to the future of our nation.

[English]

For this reason, we must facilitate the accessibility of Canadian culture in our country and abroad. People all over the world care about what we do. We belong to a country that is the refuge of mankind. We represent 150 to 175 different nationalities, languages and religions. Above that, for the last 40,000 years we have had the astonishing presence on this land of the first peoples of our country.

Honourable senators, all these cultures taken together do not merge into one. However, as Sir Wilfrid Laurier used to say, they sailed side by side down the St. Lawrence, the water never mixing, never merging, but flowing as different entities as they progressed. I want us to understand that just as I want the Canadian people to understand that.

• (1640)

I spent a considerable amount of my time travelling like a nomad, like a missionary across this country, which is the only thing I do of any value in my life, besides taking care of my grandchildren. I have just returned from Yellowknife, where 300 young people listened in rapture to the Grand Chief of the Dene Nation speaking in his language. They had interpretation. He did not have to even say a word. They understood immediately because they knew through his personality and the stories he was relating to them that the Dene Nation is an important part of who they are, even if they come from wherever it is that they came from.

For all of these reasons —

[Translation]

— I support the initiative by Senator Gauthier, which reminds us of this.

[English]

Now we have to tell our stories and send them out into the world. It is the inalienable right of every Canadian to tell their stories the way they want to, and no power on earth, either through tariffs or penalties, has the right to prevent that from happening. The federal government understands that Canadians have this inalienable right and has put in place a series of instruments through which this can be done. The glue that brings us together is the ensemble of all the elements that makes us aware of who we are in this tragic time in which we live. It seems obvious that we must take a stand on who we are, know who we are and express it with great joy. At the beginning of the 21st century, this is the most important country on the planet. We must sing the praises of our country and tell the world the story of this country.

[Translation]

It is absolutely inconceivable, scandalous even, that this Senate, this House, this national institution does not even have a Standing Committee on Heritage.

[English]

I find this scandalous. Such a committee would be as important as banking, transportation, communication, agriculture and all the other Senate committees. It is imperative that it be established so that we can participate in the struggle of Canadian artists and in the dimension of their art in order to protect it and give it life. If we cannot have a standing committee because it costs too much money, perhaps we can have a subcommittee of a standing committee in order that culture will resonate through this chamber. We will speak to Canadians of the culture they have and of the heritage they have, and more and more they will gravitate together and will live the life that they are meant to live on this continent.

On motion of Senator Banks, debate adjourned.

[Translation]

LESSONS TO BE DRAWN FROM TRAGEDY OF TERRORIST ATTACKS IN UNITED STATES ON SEPTEMBER 11, 2001

INQUIRY

On the Order:

Resuming debate on the inquiry of the Honourable Senator De Bané P.C., calling the attention of the Senate to certain lessons to be drawn from the tragedy that occurred on September 11, 2001—(*Honourable Senator LaPierre*).

Hon. Laurier L. LaPierre: Honourable senators, with apologies to Senator De Bané.

[English]

Honourable senators, this inquiry calls the attention of the Senate to certain lessons to be drawn from the tragedy that occurred on September 11, 2001. I postponed speaking on this inquiry, and I promise myself and everyone else that I will not do so in the future. If I adjourn debate in my name, I think that within one week of the adjournment I should have to debate that Order Paper item. Perhaps the Standing Committee on Rules, Procedures and the Rights of Parliament should look at that in due course.

I should like to tell honourable senators what I have learned about September 11. The fundamental tragedy of September 11 is, of course, the bombing and the death and all the rest of it. Essentially what happened to me was that I recognized that we are confronted with two societies in the world: a national, social, civil society and a global society. We can control the national, civil society through our laws. However, the global society becomes less and less controllable as it defies the capacity of people to control it. It is made up of people who globalize trade — big business, people here and there and everywhere who have the power and capacity to effect globalization, and often nations are not capable of adequately responding. We have paid very little attention to the power of the global society, or those countless groups of people who operate on their own via their own principles and actions. Consequently, in time, we will have to think very seriously about how we manage this society globally, a society that is at the present moment uncontrollable.

The second thing that I have learned, honourable senators, is to be aware of rhetoric. Phrases such as “axis of evil” and — “if you are not with us, you are against us,” and posters of sheriffs killing people all over the place create a war psychosis and are unacceptable no matter where they come from. What is acceptable is the coming together in language

[Translation]

...that is essentially capable of proclaiming the possibilities of peace and reconciliation rather than extermination.

[English]

The great tragedy of September 11 is that it led to a tremendous amount of verbiage that was totally inappropriate, unacceptable and very dangerous for the peace of the world.

The third lesson that I have learned is that the line between security and sovereignty is very narrow. I do not know when we cross the line one way or the other. We do not have that kind of experience in this country. We do not have the kind of process that makes it possible for us to know almost instinctively what to do, being the power and the kind of power in the world that we have. Consequently, I have to learn that, as do the rest of the Canadian people, and this creates a vast amount of insecurity in our country.

Also, I have learned that my values as a Canadian are too often dismissed. A report today suggests that to protect its trade with the United States, it is important for Canada to assure the U.S. that we will do what they want in terms of border security. I think that is wrong. More and more of our values are being sold cheaply to the highest bidder. That we have prosperity, I have no doubt, is important, but at some point we will have to determine who we are, why we are who we are, and the price that we are willing to pay for that. We are searching for this more and more. Canadians are questioning themselves and becoming more and more disconnected with their country, their values and their sense of self.

• (1650)

Finally, honourable senators, I have discovered that the Senate is the fundamental instrument for overseeing the balance between security, values and sovereignty. I have asked that we look at that. My leadership has told me that we must wait until the regulations come down, and I understand that has not yet happened. When they do come down, we will have all the instrument we need as senators in this important national institution, and our fundamental responsibility will be to ensure that the balance that exists between security, sovereignty, values, economic life and determination be respected.

In the meantime, perhaps senators would like to start a discussion on their Web sites by posing a question on this matter of the balance between security and sovereignty. They could begin to accumulate information, views and evidence of people who may currently be maligned and targeted for no reason whatsoever.

[Translation]

We would then see the expression, the views, the vision of our fellow citizens and we may then serve...

[Senaror LaPierre]

[English]

...as the oversight of Bill C-36 and Bill C-42.

[Translation]

For me, Laurier LaPierre, these then are the lessons of September 11, 2001. They are graven in my head and my heart and I have no intention of letting go of them.

pro tempore:">**The Hon. the Speaker** *pro tempore*: Honourable senators, if no other senator wishes to speak on this, it shall be considered to have been debated.

[English]

KYOTO PROTOCOL

INQUIRY—DEBATE ADJOURNED

Hon. Nicholas W. Taylor rose, pursuant to notice of March 25, 2002:

That he will call the attention of the Senate to the necessity of Canada ratifying the Kyoto Protocol, which was signed on December 10, 1997.

He said: Honourable senators, in leading off on this important debate, I realize that much has been written on the subject, and that much of what I have to say is not new. I will try to use cold logic as much as possible, which may be a bit of a misnomer for any global warming argument. With a half-century background as an earth scientist plus about 17 years in the Canadian parliamentary process, both in opposition and government, the last six years of which I have been on the Standing Senate Committee on Energy and the Environment, I will analyze the situation as I see it. The easiest way to do so is to use four headings.

First, what is a protocol? Who signs it, when does it come into force and what is your commitment, financially or otherwise, if you sign it?

Second, does global warming actually exist and, if it does, what can be done about it?

Third, what is the cost if we do ratify Kyoto, and what is the cost if we do not?

Fourth, and last, if we ratify Kyoto, what will it do to our competitive position worldwide in the field of raw resources and finished products?

On the first heading of what a protocol is, the Library of Parliament tells me that it is a "large umbrella treaty." The Kyoto protocol was signed by 61 nations in 1999 and has been ratified by 51 nations to date, leaving it short by just four nations of the number of ratifiers required to make it official. There is one more caveat, that being that the total carbon dioxide emissions in 1990 of those ratifying have to represent at least 55 per cent of all emissions. The treaty comes into force 90 days after this happy event.

Ratification, the Library of Parliament says, quoting the Vienna Convention on Treaties, is the consent of the "state to be bound and the state commits itself politically and morally to take the necessary measures to eventually implement the agreement on its territory." The word "eventually" is interesting, but apparently the drafters of the protocol closed off that loophole by laying down a yearly schedule for the nations involved to meet their commitment. It is interesting that there appears to be no legally binding penalty if a nation is late or just cannot fulfil its promises.

What political action is needed to ratify a treaty? The Library of Parliament tells me that in Canada all that is needed is an order in council — no House of Commons and no Senate. Treaty signing is part of the Royal Prerogative, which means that the Governor General, the Prime Minister or the Minister of Foreign Affairs have the legal right to represent Canada on the international scene. However, as was the case in the North American Free Trade Agreement, the provinces will have to come on board in order to implement the treaty.

This is quite different from the situation in the U.S. where the president, the Senate, and the House of Representatives are required to agree. It is no wonder that President Bush did not even try. However, I think the real reason was that "big tough Uncle Sam" did not want to be tied up in any agreement through which dozens of little countries could gang up on them, as they feel has happened to them in the United Nations.

There is no doubt, as your committee found on a recent fact-finding trip to the U.S., and as I learned in conversations with the U.S. environment minister, that the country accepts Kyoto as a yardstick, or at least an "omega point" to strive for. Time and again, in our meetings with California government boards and commissions, they expressed their objectives in terms of how much behind or ahead they were compared to Kyoto targets. Remember the saying, "As California goes, so goes the nation."

Finally, as I have said, there are no legally binding penalties for not reaching the objective agreed to by ratification. In addition, Article 8 of the protocol allows the secretariat of the countries ratifying to alter and relax conditions if they wish. The clincher is in Article 27, which allows any ratifier, after three years, to give a year's notice to withdraw without penalty.

I said that I would address whether global warming is taking place and, if it is, whether we can do anything about it. Those who say there is no scientific evidence of warming remind me of the tobacco companies that argued for years that there was no scientific evidence that smoking caused lung cancer. As a geologist, I can understand the arguments of those who say that planet earth is in one of its warming cycles, for the pages of geologic history show us that, over millions of years, much of the earth has varied from glaciers to jungles in the same locale. Even in Alberta, there is abundant evidence that dinosaurs roamed our jungle swamps eons ago, whereas now you can only find them in our government.

I have two answers for the doubters: First, if they are right, what harm is there in cleaning up carbon dioxide anyway, as its companions are usually nitrogen and sulphur emissions — NO_x and SO_x — which form a pollution cocktail that kills between 5,000 and 50,000 Canadians per year, depending on the report. If the doubters are wrong, our children and grandchildren will curse us for running away from the war on pollution when it was small enough to be licked with little pain.

The third question most often asked is what it will cost, and whether we can afford it. This is not an easy question for those watching from the sidelines as the two biggest oil companies in the world, Shell and BP-Amoco, say that the goals can be easily reached while the two biggest oil companies in Canada, Petrocan and Imperial Oil, say it is an abomination. I wonder which have the dirty refineries.

The short answer is: Can we afford not to ratify? There is no question that the status quo is not an option. Normal does not live here anymore.

The biggest cost estimate I have seen is proffered by the Canadian Manufacturers Association, which says in its 2002 report that implementing the accord's target of 6 per cent below 1990 emissions by 2010, or 19 per cent below last year's, as we have been rather sloppy since 1990, could result in the loss of 450,000 jobs. On page 7 of that same report they brag about reducing emissions by 15.8 per cent in the 19-year span between 1980 and 1999. Statistics Canada shows an increase in jobs of over 1 million in that same period, but job totals in the manufacturing sector stayed the same. In other words, their own members have been reducing emissions in the past, at no apparent job loss, at about the same rate as Kyoto calls for in the future. As my grandson would say, "Go figure."

• (1700)

Let us look at the other extreme. What are the costs if we do nothing, which is always an option for a large majority government?

In May 1998, in an address to the U.S. House of Representatives, Dr. Janet Yellen quoted Dr. William Cline of the Institute for International Economics, who said that every 4.5 degrees in global warming will cost the U.S. \$8.9 billion yearly. Convert that to Canadian dollars, take 10 per cent, since we are 10 per cent the size of the U.S., and then take only one degree of global warming and honourable senators will see that we have a cost to Canada of \$300 million per year if we do not ratify the Kyoto accord.

Honourable senators, I have another scenario. Our committee was told by the University of California at Berkeley, as well as by the Air Resources Board of the State of California, that attaining Kyoto targets could save the U.S. \$60 billion per year and could be reached in California — which is 30 per cent larger than Canada — by 2010 or 2012, by having one-third in tax incentives, extra insulation and rules on vehicle efficiency; one third through alternate energy, such as geothermal, wind, solar and biotechnical; and the last third by cleaner coal technology and added nuclear capacity. It sounds easy, does it not?

The fourth and last argument I want to deal with today is the one stating that our manufacturing and energy industries will be non-competitive against foreign dirty industry. What countries are they talking about? Mexico and the European Union have already ratified the protocol, and Japan has said it will. As I said earlier, your committee found, on its tour of the U.S., that they are going to Kyoto standards at any rate. The U.S. wants to trade with Japan and the European Union, so they cannot afford to take a chance on being countervailed due to dirty industry. After all, those four areas make up for greater than 95 per cent of Canada's exports in the last three years.

My own Province of Alberta makes the ridiculous statement that if they clean up their oil production, our refineries will be non-competitive with the "dirty" refineries of the U.S., apparently not realizing that over 80 per cent of Alberta's oil production is refined in the U.S.

The only dirty refineries in Canada are in Eastern Canada, refining crude oil imported from overseas, then reversing the Toronto-Montreal pipeline to push product into the Toronto area, undermining Alberta markets. Likewise, Alberta makes the statement that Mexican natural gas would undersell ours in the U.S., completely overlooking the fact that Mexico has ratified the accord and does not export any gas to the U.S. In fact, it imports U.S. gas.

A sideline argument to this is that Kyoto discriminates against raw material producers versus users of the end product. I cannot follow this and would put it down to "taxpayers' paranoia," which means every taxpayer feels he or she is paying more than his or her fair share. I doubt whether the car drivers in downtown Toronto will get off any easier than the Alberta oilpersons who have been flaring off their excess gas and sulphur.

However, the worries about our competitiveness in trade may be more valid if we do not ratify Kyoto rather than if we do, as our competitors would not like competition from industries that are "dirtier" than theirs. We could see a repeat of the softwood lumber fiasco where the U.S. claims we are unfair competitors due to low government stumpage. How much more valid would their complaint be if our government allowed our exporters to get by with less emission controls than they had on theirs? Kyoto would level the trading field.

In conclusion, ratifying the protocol does not bind us to anything. We can get out of it in a few years. Our major trading partners are moving to Kyoto standards. We will make money, not lose it, by joining. We will strike a blow for a cleaner and safer environment, thereby saving thousands of lives each year. Finally, Canada will be able to hold its head up high in the future world of environment meetings.

Honourable senators, we are recognized as world "peacekeepers." Would it not be great to be recognized as a world leader in "environment keeping"?

On motion of Senator Banks, debate adjourned.

The Senate adjourned until Wednesday, April 17, 2002, at 1:30 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

THE HONOURABLE DANIEL P. HAYS

THE LEADER OF THE GOVERNMENT

THE HONOURABLE SHARON CARSTAIRS, P.C.

THE LEADER OF THE OPPOSITION

THE HONOURABLE JOHN LYNCH-STAUNTON

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

PAUL BÉLISLE

DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES

GARY O'BRIEN

LAW CLERK AND PARLIAMENTARY COUNSEL

MARK AUDCENT

USHER OF THE BLACK ROD (ACTING)

BLAIR ARMITAGE

THE MINISTRY

According to Precedence

(April 16, 2002)

The Right Hon. Jean Chrétien	Prime Minister
The Hon. David M. Collenette	Minister of Transport
The Hon. David Anderson	Minister of the Environment
The Hon. Ralph E. Goodale	Leader of the Government in the House of Commons Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians
The Hon. Sheila Copps	Minister of Canadian Heritage
The Hon. John Manley	Deputy Prime Minister and Minister of Infrastructure and Crown Corporations
The Hon. Paul Martin	Minister of Finance
The Hon. Arthur C. Eggleton	Minister of National Defence
The Hon. Anne McLellan	Minister of Health
The Hon. Allan Rock	Minister of Industry
The Hon. Lawrence MacAulay	Solicitor General of Canada
The Hon. Lucienne Robillard	President of the Treasury Board
The Hon. Martin Cauchon	Minister of Justice and Attorney General of Canada
The Hon. Jane Stewart	Minister of Human Resources Development
The Hon. Stéphane Dion	President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs
The Hon. Pierre Pettigrew	Minister of International Trade
The Hon. Don Boudria	Minister of Public Works and Government Services
The Hon. Lyle Vanclicf	Minister of Agriculture and Agri-Food
The Hon. Herb Dhaliwal	Minister of Natural Resources
The Hon. Claudette Bradshaw	Minister of Labour and Secretary of State (Multiculturalism) (Status of Women)
The Hon. Robert Daniel Nault	Minister of Indian Affairs and Northern Development
The Hon. Elinor Caplan	Minister for National Revenue
The Hon. Denis Coderre	Minister of Citizenship and Immigration
The Hon. Sharon Carstairs	Leader of the Government in the Senate
The Hon. Robert G. Thibault	Minister of Fisheries and Oceans
The Hon. Rey Pagtakhan	Minister of Veterans Affairs
The Hon. William Graham	Minister of Foreign Affairs
The Hon. Susan Whelan	Minister for International Cooperation
The Hon. Gerry Byrne	Minister of State (Atlantic Canada Opportunities Agency)
The Hon. Ethel Blondin-Andrew	Secretary of State (Children and Youth)
The Hon. David Kilgour	Secretary of State (Asia-Pacific)
The Hon. Andrew Mitchell	Secretary of State (Rural Development) (Federal Economic Development Initiative for Northern Ontario)
The Hon. Maurizio Bevilacqua	Secretary of State (Science, Research and Development)
The Hon. Paul DeVillers	Secretary of State (Amateur Sport) and Deputy Leader of the Government in the House of Commons
The Hon. Gar Knutson	Secretary of State (Central and Eastern Europe and Middle East)
The Hon. Denis Paradis	Secretary of State (Latin America and Africa) (Francophonie)
The Hon. Claude Drouin	Secretary of State (Economic Development Agency of Canada for the Regions of Quebec)
The Hon. John McCallum	Secretary of State (International Financial Institutions)
The Hon. Stephen Owen	Secretary of State (Western Economic Diversification) (Indian Affairs and Northern Development)

SENATORS OF CANADA

ACCORDING TO SENIORITY

(April 16, 2002)

Senator	Designation	Post Office Address
THE HONOURABLE		
Herbert O. Sparrow	Saskatchewan	North Battleford, Sask.
Edward M. Lawson	Vancouver	Vancouver, B.C.
Bernard Alasdair Graham, P.C.	The Highlands	Sydney, N.S.
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
C. William Doody	Harbour Main-Bell Island	St. John's, Nfld.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
E. Leo Kolber	Victoria	Westmount, Que.
Michael Kirby	South Shore	Halifax, N.S.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto-Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Daniel Phillip Hays, <i>Speaker</i>	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Brenda Mary Robertson	Riverview	Shediac, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland	Port-au-Port, Nfld.
Eileen Rossiter	Prince Edward Island	Charlottetown, P.E.I.
Mira Spivak	Manitoba	Winnipeg, Man.
Roch Bolduc	Gulf	Sainte-Foy, Que.
Gérald-A. Beaudoin	Rigaud	Hull, Que.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Church Point, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton, N.B.
John Buchanan, P.C.	Nova Scotia	Halifax, N.S.
John Lynch-Staunton	Grandville	Georgeville, Que.
James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie, Ont.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth, N.S.
Janis G. Johnson	Winnipeg-Interlake	Winnipeg, Man.
A. Raynell Andreychuk	Regina	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.

ACCORDING TO SENIORITY

Senator	Designation	Post Office Address
THE HONOURABLE		
Claude Nolin	De Salaberry	Quebec, Que.
Yvonne LeBreton	Ontario	Manotick, Ont.
Yvonne St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Yvonne Bacon	De la Durantaye	Laval, Que.
Yvonne Carstairs, P.C.	Manitoba	Victoria Beach, Man.
Yvonne Pearson	Ontario	Ottawa, Ont.
Robert Gauthier	Ottawa-Vanier	Ottawa, Ontario
G. Bryden	New Brunswick	Bayfield, N.B.
Marie Losier-Cool	Tracadie	Bathurst, N.B.
Yvonne Hervieux-Payette, P.C.	Bedford	Montreal, Que.
Yvonne H. Rompkey, P.C.	Labrador	North West River, Labrador, Nfld.
Yvonne Milne	Peel County	Brampton, Ont.
Yvonne P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Yvonne Maheu	Rougemont	Saint-Laurent, Que.
Yvonne William Taylor	Sturgeon	Chestermere, Alta.
Yvonne P. Moore	Stanhope St./Bluenose	Chester, N.S.
Yvonne Pépin	Shawinigan	Montreal, Que.
Yvonne Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Yvonne S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Yvonne Ferretti Barth	Repentigny	Pierrefonds, Que.
Yvonne Joyal, P.C.	Kennebec	Montreal, Que.
Yvonne J. Chalifoux	Alberta	Morinville, Alta.
Yvonne Cook	Newfoundland	St. John's, Nfld.
Yvonne Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Yvonne William Mahovlich	Toronto	Toronto, Ont.
Yvonne H. Kroft	Manitoba	Winnipeg, Man.
Yvonne James Roche	Edmonton	Edmonton, Alta.
Yvonne Thorne Fraser	De Lorimier	Montreal, Que.
Yvonne Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Yvonne Poy	Toronto	Toronto, Ont.
Yvonne Christensen	Yukon Territory	Whitehorse, Y.T.
Yvonne Furey	Newfoundland and Labrador	St. John's, Nfld.
Yvonne G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Yvonne I. Finnerty	Ontario	Burlington, Ont.
Yvonne Wiebe	Saskatchewan	Swift Current, Sask.
Yvonne Banks	Alberta	Edmonton, Alta.
Yvonne Cordy	Nova Scotia	Dartmouth, N.S.
Yvonne D. Setlakwe	The Laurentides	Thetford Mines, Que.
Yvonne Morin	Lauzon	Quebec, Que.
Yvonne Beth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Yvonne Tunney	Ontario	Grafton, Ont.
Yvonne L. LaPierre	Ontario	Ottawa, Ont.
Yvonne Léger	New Brunswick	Moncton, N.B.
Yvonne S. B. Jaffer	British Columbia	North Vancouver, B.C.
Yvonne Lapointe	Saurel	Magog, Que.
Yvonne A. Phalen	Nova Scotia	Glace Bay, N.S.
Yvonne A. Day	Saint John-Kennebecasis	Hampton, N.B.
Yvonne El Biron	Mille Isles	Nicolet, Que.
Yvonne J. Duhamel, P.C.	Manitoba	St. Boniface, Man.
Yvonne S. Baker, P.C.	Newfoundland and Labrador	
Yvonne D. Lavigne	Montarville	

SENATORS OF CANADA

ALPHABETICAL LIST

(April 16, 2002)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Lib
Andreychuk, A. Raynell	Regina	Regina, Sask.	PC
Angus, W. David	Alma	Montreal, Que.	PC
Atkins, Norman K.	Markham	Toronto, Ont.	PC
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Lib
Bacon, Lise	De la Durantaye	Laval, Que.	Lib
Baker, George S., P.C.	Newfoundland and Labrador		Lib
Banks, Tommy	Alberta	Edmonton, Alta.	Lib
Beaudoin, Gérard-A.	Rigaud	Hull, Que.	PC
Biron, Michel	Mille Isles	Nicolet, Que.	Lib
Bolduc, Roch	Gulf	Sainte-Foy, Que.	PC
Bryden, John G.	New Brunswick	Bayfield, N.B.	Lib
Buchanan, John, P.C.	Halifax	Halifax, N.S.	PC
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Lib
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	PC
Carstairs, Sharon, P.C.	Manitoba	Victoria Beach, Man.	Lib
Chalifoux, Thelma J.	Alberta	Morinville, Alta.	Lib
Christensen, Ione	Yukon Territory	Whitehorse, Y.T.	Lib
Cochrane, Ethel	Newfoundland	Port-au-Port, Nfld.	PC
Comeau, Gerald J.	Nova Scotia	Church Point, N.S.	PC
Cook, Joan	Newfoundland	St. John's, Nfld.	Lib
Cools, Anne C.	Toronto-Centre-York	Toronto, Ont.	Lib
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Lib
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Lib
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Lib
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Lib
Di Nino, Consiglio	Ontario	Downsview, Ont.	PC
Doddy, C. William	Harbour Main-Bell Island	St. John's, Nfld.	PC
Duhamel, Ronald J., P.C.	Manitoba	St. Boniface, Man.	Lib
Eyton, J. Trevor	Ontario	Caledon, Ont.	PC
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Lib
Ferretti Barth, Marisa	Repentigny	Pierrefonds, Que.	Lib
Finnerty, Isobel	Ontario	Burlington, Ont.	Lib
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Lib
Forrestall, J. Michael	Dartmouth and the Eastern Shore	Dartmouth, N.S.	PC
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Lib
Furey, George	Newfoundland and Labrador	St. John's, Nfld.	Lib
Gauthier, Jean-Robert	Ottawa-Vanier	Ottawa, Ont.	Lib
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Lib
Grafstein, Jeremiah S.	Metro Toronto	Toronto, Ont.	Lib
Graham, Bernard Alasdair, P.C.	The Highlands	Sydney, N.S.	Lib
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	PC
Hays, Daniel Phillip, <i>Speaker</i>	Calgary	Calgary, Alta.	Lib
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Lib
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Lib
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Lib
Johnson, Janis G.	Winnipeg-Interlake	Winnipeg, Man.	PC
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Lib
Kelleher, James Francis, P.C.	Ontario	Sault Ste. Marie, Ont.	PC
Kenny, Colin	Rideau	Ottawa, Ont.	Lib
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	PC
Kinsella, Noël A.	Fredericton-York-Sunbury	Fredericton, N.B.	PC

SENATORS OF CANADA

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Girby, Michael	South Shore	Halifax, N.S.	Lib
Golber, E. Leo	Victoria	Westmount, Que.	Lib
Groft, Richard H.	Manitoba	Winnipeg, Man.	Lib
LaPierre, Laurier L.	Ontario	Ottawa, Ont.	Lib
Lapointe, Jean	Saurel	Magog, Que.	Lib
Lavigne, Raymond	Montarville		Lib
Lawson, Edward M.	Vancouver	Vancouver, B.C.	Ind
LeBreton, Marjory	Ontario	Manotick, Ont.	PC
Léger, Viola	New Brunswick	Moncton, N.B.	Lib
Lossier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Lib
Lynch-Staunton, John	Grandville	Georgeville, Que.	PC
Maheu, Shirley	Rougemont	Saint-Laurent, Que.	Lib
Mahovich, Francis William	Toronto	Toronto, Ont.	Lib
McGhehen, Michael Arthur	St. Marys	Toronto, Ont.	PC
Milne, Lorna	Peel County	Brampton, Ont.	Lib
Moore, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.	Lib
Morin, Yves	Lauzon	Quebec, Que.	Lib
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	PC
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	PC
Oliver, Donald H.	Nova Scotia	Halifax, N.S.	PC
Pearson, Landon	Ontario	Ottawa, Ontario	Lib
Pépin, Lucie	Shawinigan	Montreal, Que.	Lib
Phalen, Gerard A.	Nova Scotia	Glace Bay, N.S.	Lib
Pittfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Ind
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Lib
Poy, Vivienne	Toronto	Toronto, Ont.	Lib
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Ind
Revest, Jean-Claude	Stadacona	Quebec, Que.	PC
Robertson, Brenda Mary	Riverview	Shediac, N.B.	PC
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Lib
Roche, Douglas James	Edmonton	Edmonton, Alta.	Ind
Rompkey, William H., P.C.	Labrador	North West River, Labrador, Nfld.	Lib
Rossiter, Eileen	Prince Edward Island	Charlottetown, P.E.I.	PC
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	CA
Setlakwe, Raymond C.	The Laurentides	Thetford Mines, Que.	Lib
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Lib
Sparrow, Herbert O.	Saskatchewan	North Battleford, Sask.	Lib
Spivak, Mira	Manitoba	Winnipeg, Man.	PC
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Lib
Stratton, Terrance R.	Red River	St. Norbert, Man.	PC
Taylor, Nicholas William	Sturgeon	Chestermere, Alta.	Lib
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	PC
Tunney, Jim	Ontario	Grafton, Ont.	Lib
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Lib
Wiebe, John	Saskatchewan	Swift Current, Sask.	Lib

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(April 16, 2002)

ONTARIO—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Peter Alan Stollery	Bloor and Yonge	Toronto
3 Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4 Jeremiah S. Grafstein	Metro Toronto	Toronto
5 Anne C. Cools	Toronto-Centre-York	Toronto
6 Colin Kenny	Rideau	Ottawa
7 Norman K. Atkins	Markham	Toronto
8 Consiglio Di Nino	Ontario	Downsview
9 James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie
10 John Trevor Eyton	Ontario	Caledon
11 Wilbert Joseph Keon	Ottawa	Ottawa
12 Michael Arthur Meighen	St. Marys	Toronto
13 Marjory LeBreton	Ontario	Manotick
14 Landon Pearson	Ontario	Ottawa
15 Jean-Robert Gauthier	Ottawa-Vanier	Ottawa
16 Lorna Milne	Peel County	Brampton
17 Marie-P. Poulin	Northern Ontario	Ottawa
18 Francis William Mahovlich	Toronto	Toronto
19 Vivienne Poy	Toronto	Toronto
20 Isobel Finnerty	Ontario	Burlington
21 Jim Tunney	Ontario	Grafton
22 Laurier L. LaPierre	Ontario	Ottawa
23		
24		

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 E. Leo Kolber	Victoria	Westmount
2 Charlie Watt	Inkerman	Kuujuuaq
3 Pierre De Bané, P.C.	De la Vallière	Montreal
4 Roch Bolduc	Gulf	Sainte-Foy
5 Gérald-A. Beaudoin	Rigaud	Hull
6 John Lynch-Staunton	Grandville	Georgeville
7 Jean-Claude Rivest	Stadacona	Quebec
8 Marcel Prud'homme, P.C.	La Salle	Montreal
9 W. David Angus	Alma	Montreal
10 Pierre Claude Nolin	De Salaberry	Quebec
1 Lise Bacon	De la Durantaye	Laval
2 Céline Hervieux-Payette, P.C.	Bedford	Montreal
3 Shirley Maheu	Rougemont	Ville de Saint-Laurent
4 Lucie Pépin	Shawinigan	Montreal
5 Marisa Ferretti Barth	Repentigny	Pierrefonds
6 Serge Joyal, P.C.	Kennebec	Montreal
7 Joan Thorne Fraser	De Lorimier	Montreal
8 Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
9 Raymond C. Setlakwe	The Laurentides	Thetford Mines
10 Yves Morin	Lauzon	Quebec
11 Jean Lapointe	Sauvel	Magog
12 Michel Biron	Mille Isles	Nicolet
13 Raymond Lavigne	Montarville	
14	

SENATORS BY PROVINCE—MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Bernard Alasdair Graham, P.C.	The Highlands	Sydney
2 Michael Kirby	South Shore	Halifax
3 Gerald J. Comeau	Nova Scotia	Church Point
4 Donald H. Oliver	Nova Scotia	Halifax
5 John Buchanan, P.C.	Halifax	Halifax
6 J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth
7 Wilfred P. Moore	Stanhope St./Bluenose	Chester
8 Jane Cordy	Nova Scotia	Dartmouth
9 Gerard A. Phalen	Nova Scotia	Glace Bay
10		

NEW BRUNSWICK—10

THE HONOURABLE		
1 Eymard Georges Corbin	Grand-Sault	Grand-Sault
2 Brenda Mary Robertson	Riverview	Shediac
3 Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton
4 John G. Bryden	New Brunswick	Bayfield
5 Rose-Marie Losier-Cool	Tracadie	Bathurst
6 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
7 Viola Léger	New Brunswick	Moncton
8 Joseph A. Day	Saint John-Kennebecasis	Hampton
9		
10		

PRINCE EDWARD ISLAND—4

THE HONOURABLE		
1 Eileen Rossiter	Prince Edward Island	Charlottetown
2 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
3 Elizabeth M. Hubley	Prince Edward Island	Kensington
4		

SENATORS BY PROVINCE—WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Mira Spivak	Manitoba	Winnipeg
2 Janis G. Johnson	Winnipeg-Interlake	Winnipeg
3 Terrance R. Stratton	Red River	St. Norbert
4 Sharon Carstairs, P.C.	Manitoba	Victoria Beach
5 Richard H. Kroft	Manitoba	Winnipeg
6 Ronald J. Duhamel, P.C.	Manitoba	St. Boniface

BRITISH COLUMBIA—6

THE HONOURABLE		
1 Edward M. Lawson	Vancouver	Vancouver
2 Jack Austin, P.C.	Vancouver South	Vancouver
3 Pat Carney, P.C.	British Columbia	Vancouver
4 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler ..	Maple Ridge
5 Ross Fitzpatrick	Okanagan-Similkameen	Kelowna
6 Mobina S.B. Jaffer,	British Columbia	North Vancouver

SASKATCHEWAN—6

THE HONOURABLE		
1 Herbert O. Sparrow	Saskatchewan	North Battleford
2 A. Raynell Andreychuk	Regina	Regina
3 Leonard J. Gustafson	Saskatchewan	Macoun
4 David Tkachuk	Saskatchewan	Saskatoon
5 John Wiebe	Saskatchewan	Swift Current
6

ALBERTA—6

THE HONOURABLE		
1 Daniel Phillip Hays, <i>Speaker</i>	Calgary	Calgary
2 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
3 Nicholas William Taylor	Sturgeon	Chestermere
4 Thelma J. Chalifoux	Alberta	Morinville
5 Douglas James Roche	Edmonton	Edmonton
6 Tommy Banks	Alberta	Edmonton

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 C. William Doody	Harbour Main-Bell Island	St. John's
2 Ethel Cochrane	Newfoundland	Port-au-Port
3 William H. Rompkey, P.C.	Labrador	North West River, Labrador
4 Joan Cook	Newfoundland	St. John's
5 George Furey	Newfoundland and Labrador ..	St. John's
6 George S. Baker, P.C.	Newfoundland and Labrador ..	

NORTHWEST TERRITORIES—1

THE HONOURABLE		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

THE HONOURABLE		
1 Willie Adams	Nunavut	Rankin Inlet

YUKON TERRITORY—1

THE HONOURABLE		
1 Ione Christensen	Yukon Territory	Whitehorse

ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of April 16, 2002)

*Ex Officio Member

ABORIGINAL PEOPLES

Chair: Honourable Senator Chalifoux

Deputy Chair: Honourable Senator Johnson

Honourable Senators:

Carney,	Christensen,	Johnson,	Pearson,
*Carstairs (or Robichaud),	Cochrane,	Léger,	Sibbeston,
Chalifoux,	Gill,	*Lynch-Staunton (or Kinsella),	St. Germain,
	Hubley,		Tkachuk.

Original Members as nominated by the Committee of Selection

Carney, *Carstairs (or Robichaud), Chalifoux, Christensen, Cochrane, Cordy, Gill, Johnson, *Lynch-Staunton (or Kinsella), Pearson, Rompkey, Sibbeston, Tkachuk, Wilson.

AGRICULTURE AND FORESTRY

Chair: Honourable Senator Gustafson

Deputy Chair: Honourable Senator Wiebe

Honourable Senators:

Biron,	Day,	LeBreton,	Stratton,
*Carstairs (or Robichaud),	Fairbairn,	*Lynch-Staunton (or Kinsella),	Tkachuk,
Chalifoux,	Hubley,	Oliver,	Tunney,
	Gustafson,		Wiebe.

Original Members as nominated by the Committee of Selection

*Carstairs (or Robichaud), Chalifoux, Fairbairn, Fitzpatrick, Gill, Gustafson, LeBreton, *Lynch-Staunton (or Kinsella), Milne, Oliver, Stratton, Taylor, Tkachuk, Wiebe.

BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Kolber

Deputy Chair: Honourable Senator Tkachuk

Honourable Senators:

*Carstairs (or Robichaud),	Furey,	Kroft,	Oliver,
Di Nino,	Hervieux-Payette,	*Lynch-Staunton (or Kinsella),	Poulin,
Fitzpatrick,	Kelleher,	Meighen,	Setlakwe,
	Kolber,		Tkachuk.

Original Members as nominated by the Committee of Selection

Angus, *Carstairs (or Robichaud), Furey, Hervieux-Payette, Kelleher, Kolber, Kroft, *Lynch-Staunton (or Kinsella), Meighen, Oliver, Poulin, Setlakwe, Tkachuk, Wiebe.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES**Chair: Honourable Senator Taylor****Deputy Chair: Honourable Senator Spivak****Honourable Senators:**

Adams,	Christensen,	Kelleher,	Mahovich,
Buchanan,	Cochrane,	Kenny,	Sibbeston,
*Carstairs (or Robichaud),	Eyton,	Keon,	Taylor,
	Finnerty,	*Lynch-Staunton (or Kinsella),	

Original Members as nominated by the Committee of Selection

*Banks, Buchanan, *Carstairs (or Robichaud), Christensen, Cochrane, Eyton, Finnerty, Kelleher, Kenny, *Lynch-Staunton (or Kinsella), Sibbeston, Spivak, Taylor, Watt.*

FISHERIES**Chair: Honourable Senator Comeau****Deputy Chair: Honourable Senator Cook****Honourable Senators:**

Adams,	Cook,	*Lynch-Staunton (or Kinsella),	Phalen,
*Carstairs (or Robichaud),	Gill,	Mahovich,	Robertson,
Comeau,	Jaffer,	Meighen,	Tunney,
	Johnson,		Watt.

Original Members as nominated by the Committee of Selection

*Adams, Callbeck, *Carstairs (or Robichaud), Carney, Chalifoux, Comeau, Cook, *Lynch-Staunton (or Kinsella), Mahovich, Meighen, Molgat, Moore, Robertson, Watt.*

FOREIGN AFFAIRS**Chair: Honourable Senator Stollery****Deputy Chair: Honourable Senator Andreychuk****Honourable Senators:**

Andreychuk,	*Carstairs (or Robichaud),	Di Nino,	*Lynch-Staunton (or Kinsella),
Angus,	Corbin,	Grafstein,	Setlakwe,
Austin,	De Bané,	Graham,	Stollery,
Bolduc,		Losier-Cool,	

Original Members as nominated by the Committee of Selection

*Andreychuk, Austin, Bolduc, Carney, *Carstairs (or Robichaud), Corbin, De Bané, Di Nino, Grafstein, Graham, Losier-Cool, *Lynch-Staunton (or Kinsella), Poulin, Stollery.*

HUMAN RIGHTS

Chair: Honourable Senator Andreychuk

Deputy Chair: Honourable Senator Fraser

Honourable Senators:

Andreychuk,	Cochrane,	Jaffer,	Poy,
Beaudoin,	Ferretti Barth,	Kinsella,	Wilson,
*Carstairs (or Robichaud),	Fraser,	*Lynch-Staunton (or Kinsella),	

Original Members as nominated by the Committee of Selection

*Andreychuk, Beaudoin, *Carstairs (or Robichaud), Ferretti Barth, Finestone, Kinsella, *Lynch-Staunton (or Kinsella), Oliver, Poy, Watt, Wilson.*

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Kroft

Deputy Chair: Honourable Senator

Honourable Senators:

Atkins,	De Bané,	Kenny,	Milne,
Austin,	Doody,	Kroft,	Murray,
*Carstairs (or Robichaud),	Forrestall,	*Lynch-Staunton (or Kinsella),	Poulin,
Comeau,	Furey,	Maheu,	Stollery,
	Gauthier,		

Original Members as nominated by the Committee of Selection

*Austin, *Carstairs (or Robichaud), Comeau, De Bané, DeWare, Doody, Forrestall, Furey, Gauthier, Kenny, Kroft, *Lynch-Staunton (or Kinsella), Maheu, Milne, Murray, Poulin, Stollery.*

LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Milne

Deputy Chair: Honourable Senator Beaudoin

Honourable Senators:

Andreychuk,	*Carstairs (or Robichaud),	Joyal,	Moore,
Beaudoin,		*Lynch-Staunton (or Kinsella),	Nolin,
Bryden,	Cools,		Pearson,
Buchanan,	Fraser,	Milne,	Rivest,

Original Members as nominated by the Committee of Selection

*Andreychuk, Atkins, Beaudoin, Buchanan, *Carstairs (or Robichaud), Cools, Fraser, Grafstein, Joyal, *Lynch-Staunton (or Kinsella), Milne, Moore, Nolin, Pearson.*

LIBRARY OF PARLIAMENT (Joint)

Chair: Honourable Senator Bryden
Honourable Senators:

Beaudoin,

Cordy,

Hubley,

Deputy Chair:

Oliver,

Poy.

Original Members agreed to by Motion of the Senate

Beaudoin, Bryden, Cordy, Oliver, Poy.

NATIONAL FINANCE

Chair: Honourable Senator Murray
Honourable Senators:

Banks,

Bolduc,

*Carstairs
 (or Robichaud),

Cook,

Cools,

Doody,

Ferretti Barth,

Deputy Chair: Honourable Senator Finnerty

Furey,

Kinsella,

*Lynch-Staunton
 (or Kinsella),

Mahovlich,

Murray,

Stratton,

Tunney.

Original Members as nominated by the Committee of Selection

*Bolduc, *Carstairs (or Robichaud), Cools, Doody, Finnerty, Ferretti Barth, Hervieux-Payette, Kinsella, Kirby, *Lynch-Staunton (or Kinsella), Mahovlich, Murray, Stratton.*

NATIONAL SECURITY AND DEFENCE

Chair: Honourable Senator Kenny
Honourable Senators:

Atkins,

Banks,

*Carstairs
 (or Robichaud),

Cordy,

Day,

Forrestall,

Deputy Chair: Honourable Senator Forrestall

Kenny,

LaPierre,

*Lynch-Staunton
 (or Kinsella),

Meighen,

Wiebe.

Original Members as nominated by the Committee of Selection

*Atkins, *Carstairs (or Robichaud), Cordy, Forrestall, Hubley, Kenny, *Lynch-Staunton (or Kinsella), Meighen, Pépin, Rompkey, Wiebe.*

VETERANS AFFAIRS**(Subcommittee of National Security and Defence)****Chair: Honourable Senator Meighen****Deputy Chair: Honourable Senator Wiebe****Honourable Senators:**

Atkins,	Day,	*Lynch-Staunton (or Kinsella),	Meighen,
*Carstairs (or Robichaud),	Kenny,		Wiebe.

OFFICIAL LANGUAGES (Joint)**Chair: Honourable Senator Maheu****Deputy Chair:****Honourable Senators:**

Beaudoin,	Gauthier,	Rivest,	Setlatkwe.
Fraser,	Léger,		

Original Members agreed to by Motion of the Senate*Bacon, Beaudoin, Fraser, Gauthier, Losier-Cool, Maheu, Rivest, Setlatkwe, Simard.***RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT****Chair: Honourable Senator Austin****Deputy Chair: Honourable Senator Stratton****Honourable Senators:**

Andreychuk,	Gauthier,	*Lynch-Staunton (or Kinsella),	Robichaud,
Austin,	Joyal,	Murray,	Robertson,
*Carstairs (or Robichaud),	Kroft,	Pitfield,	Rompkey,
	Losier-Cool,		Rossiter,
Di Nino,		Poulin,	Stratton.

Original Members as nominated by the Committee of Selection*Andreychuk, Austin, Bryden, *Carstairs (or Robichaud), DeWare, Di Nino, Gauthier, Grafstein, Hervieux-Payette, Joyal, Kroft, Losier-Cool, *Lynch-Staunton (or Kinsella), Murray, Poulin, Rossiter, Stratton.*

SCRUTINY OF REGULATIONS (Joint)**Chair: Honourable Senator Hervieux-Payette****Deputy Chair:****Honourable Senators:**

Bryden,

Jaffer,

Kinsella,

Moore,

Hervieux-Payette,

LaPointe,

Nolin.

*Original Members agreed to by Motion of the Senate**Bacon, Bryden, Finestone, Hervieux-Payette, Kinsella, Moore, Nolin.***SELECTION****Chair: Honourable Senator Rompkey****Deputy Chair: Honourable Senator Stratton****Honourable Senators:**

Austin,

Corbin,

Kinsella,

Robertson,

*Carstairs

Fairbairn,

LeBreton,

Rompkey,

(or Robichaud),

Graham,

*Lynch-Staunton
(or Kinsella),

Stratton.

*Original Members agreed to by Motion of the Senate**Austin, *Carstairs (or Robichaud), Corbin, DeWare, Fairbairn, Graham, Kinsella
LeBreton, *Lynch-Staunton (or Kinsella), Mercier, Murray.***SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY****Chair: Honourable Senator Kirby****Deputy Chair: Honourable Senator LeBreton****Honourable Senators:**

Callbeck,

Cook,

Kirby,

Morin,

*Carstairs

Cordy,

LeBreton,

Pépin,

(or Robichaud),

Di Nino,

*Lynch-Staunton
(or Kinsella),

Roberston,

Christensen,

Keon,

Roche.

*Original Members as nominated by the Committee of Selection**Callbeck, *Carstairs (or Robichaud), Cohen, Cook, Cordy, Fairbairn, Graham, Johnson,
Kirby, LeBreton, *Lynch-Staunton (or Kinsella), Pépin, Robertson, Roche.*

**ON THE PRESERVATION AND
PROMOTION OF A SENSE OF CANADIAN COMMUNITY**

(Subcommittee of Social Affairs, Science and Technology)

**Chair: Honourable Senator
Honourable Senators:**

Deputy Chair: Honourable Senator

*Carstairs
(or Robichaud),

Cook,
Cordy,

Kirby,
LeBreton,

*Lynch-Staunton
(or Kinsella),
Roberston.

TRANSPORT AND COMMUNICATIONS

**Chair: Honourable Senator Bacon
Honourable Senators:**

Deputy Chair: Honourable Senator Oliver

Adams,
Bacon,
Biron,
Callbeck,

*Carstairs
(or Robichaud),
Eyton,
Forrestall,
Gustafson,

Jaffer,
LaPierre,
*Lynch-Staunton
(or Kinsella),

Oliver.
Phalen.

Original Members as nominated by the Committee of Selection

*Adams, Angus, Bacon, Callbeck, *Carstairs (or Robichaud), Christensen, Eyton, Finestone,
Fitzpatrick, Forrestall, *Lynch-Staunton (or Kinsella), Rompkey, Setlakwe, Spivak.*

THE SPECIAL SENATE COMMITTEE ON ILLEGAL DRUGS

**Chair: Honourable Senator Nolin
Honourable Senators:**

Deputy Chair: Honourable Senator Kenny

Banks,
*Carstairs
(or Robichaud),

Kenny,
*Lynch-Staunton
(or Kinsella),

Maheu,
Nolin,

Rossiter.

Original Members as agreed to by Motion of the Senate

*Banks, *Carstairs (or Robichaud), Kenny, *Lynch-Staunton (or Kinsella), Maheu, Nolin, Rossiter.*

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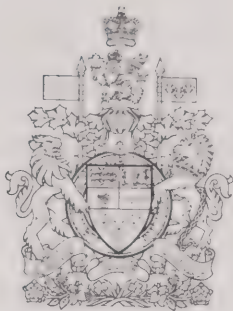
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(HANSARD)

Wednesday, April 17, 2002

THE HONOURABLE DANIEL HAYS
SPEAKER



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THE SENATE

Wednesday, April 17, 2002

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

QUESTION OF PRIVILEGE

NOTICE

Hon. Lowell Murray: Honourable senators, the *Journals of the Senate* of yesterday indicate that the Honourable Senator Lavigne took and subscribed the oath prescribed by law. I wish to flag for honourable senators that at the first opportunity, which will be tomorrow, I shall raise this as a question of privilege.

I express my regret for having tried to involve the Leader of the Government on this matter yesterday during the Question Period. This is a matter for honourable senators to decide, and I shall raise it as a question of privilege at the appropriate time tomorrow.

[Translation]

NATIONAL VOLUNTEER WEEK

Hon. Marisa Ferretti Barth: Honourable senators, the week of April 21 to 27 will be National Volunteer Week. This year's theme, "Experience Matters," was selected to draw attention to the remarkable wealth of experience that volunteers, particularly older adults, bring to their community's organizations.

These seven days devoted to volunteerism raise public awareness of the essential contribution volunteers make to our society and give us an opportunity to thank them for it.

Volunteerism represents a very important social movement; the entire population benefits greatly from volunteers' contributions. In Canada, in the year 2000, over 6.5 million volunteers gave about one billion hours of their time. This is the equivalent of some 549,000 full time jobs. Volunteerism is considered, and rightly so, the third pillar or third sector of society.

Given the huge contribution made by volunteers to the various sectors of society, the United Nations declared 2001 the International Year of Volunteers. In Canada, that year culminated with the signature of an agreement between the federal government and the voluntary and community sector.

The Week is all the more significant because it enables many organizations to recruit new volunteers. According to the national survey on giving, volunteering and participating, fewer people volunteered in 2000, and most volunteers were seniors.

Honourable senators, what does volunteerism mean to you? To me, it is above all a gift of oneself, an act of loving kindness.

The beauty of volunteerism lies in the acts of loving kindness that go along with these gifts. The motto of Armand Marquiset, the founder of the Little Brothers of the Poor, which was "flowers before bread," holds true here. Every donation must go hand in hand with an act of loving kindness. In closing, I wish to thank all volunteers for their contribution to making this world a better place.

[English]

JUNO AWARDS, 2002

ST. JOHN'S, NEWFOUNDLAND— CONGRATULATIONS TO ORGANIZERS

Hon. Ethel Cochrane: Honourable senators, I am delighted to rise to congratulate all those associated with the 2002 Juno Awards that were held Sunday night in St. John's.

This year's event was widely acknowledged to be the best Juno gathering ever and featured top international names in the recording industry. The talent alone made the Juno Awards remarkable, with performances by Diana Krall, Alanis Morissette and Nickelback.

What really set this year's Juno celebrations apart from previous years was the energy and excitement that surrounded them. I was there to help share in that. This point was noted time and again by the many industry people visiting the province.

David Usher, who won the best pop album award, said it best when he confirmed, "After you've been to a lot of Junos, you get used to it in a way. But people are so excited that I think it's feeding onto the artists and everyone is much more excited." Indeed, ticket sales alone illustrate the depth of local interest in the event. Initial tickets sold out in a matter of minutes, and when extra seats were available in the days before the show, people waited in line for more than 20 hours to try to buy them. In the end, an estimated 6,000 people attended the televised award show.

• (1340)

Another contributing factor to the success of this event was in the welcome that people offered our special guests. The legendary Newfoundland and Labrador hospitality was even noted by the award winners. In accepting his award for the best selling album, for example, international recording star Shaggy said, "I think what gets me the most here is the warmth of the people....They're just very, very warm people and that, I think, that's really nice."

The Junos also provided our province with an unparalleled opportunity to showcase homegrown talent. In fact, locals even picked up an award when our hometown favourites, the Ennis Sisters, were named best new country group. Of course, traditional Newfoundland and Labrador music was front and centre in the opening of the show when Great Big Sea lead the crowd in a powerful rendition of *Rant and Roar*.

Honourable senators, this weekend proves that this type of large-scale show can be successfully executed outside of a major centre. This year was only the third time that the Junos were held outside of the Toronto area. St. John's is by the far the smallest city to host the awards; yet, many people agreed that this year's celebration was the best.

WORLD HEALTH DAY

Hon. Yves Morin: Honourable senators, on April 7, Canada joined the 191 member nations of the World Health Organization in celebrating World Health Day. This year's theme is "physical activity for health."

[Translation]

Promoting physical activity may be an effective and lasting public health solution, particularly for our children and teenagers.

[English]

Between 1981 and 1996, the prevalence of overweight children increased by 92 per cent in boys and 57 per cent in girls. Today, health organizations estimate that one in six Canadian children are significantly overweight.

[Translation]

Consequently, children as young as three or four develop diseases that are generally associated with adults, including diabetes and hypertension.

[English]

Physical inactivity is a primary cause of this epidemic of childhood obesity. Instead of the recommended 30 minutes a day of physical activity, most Canadian school children receive only 60 minutes a week. More than half of our Canadian youth aged 12 to 21 do not engage in any physical activity. According to the Foundation for Active Healthy Kids, more than two thirds of Canadian children are not active enough to lay the foundation for basic health. These children and youth are missing out on the physical benefits of increased energy, stronger bones and muscles, a healthy weight, an improved immune system and the delayed onset or prevention of chronic disease. They are missing out on the social and psychological benefits of fitness.

I congratulate Health Minister Anne McLellan on releasing Canada's first ever physical activity guidelines for children and youth, recommending that they increase activity levels to 90 minutes a day and reduce their inactivity levels by the same amount.

[Senator Cochrane]

[Translation]

Honourable senators, this year, let us mark World Health Day by encouraging a young person to join us for a walk, a soccer game or a bike ride. Not only will this be good for your own health, it will also do a great service to these young people, who will surely benefit from it for the rest of their lives.

[English]

VIOLENCE AGAINST JEWS

Hon. David Tkachuk: Honourable senators, on Sunday, television stations in Saskatoon covered a memorial service that took place in a local synagogue. The service was the community's response to an act of vandalism and arson against a synagogue committed a few days earlier. In France, these have become regular occurrences, with acts of violence against Jews complementing acts of vandalism against Jewish places of worship. In Ukraine, a local mob attacked a synagogue and the people in it. Other countries in Europe are experiencing anti-Jewish acts of the same kind.

After September 11, I remember the care President Bush and other world leaders took to separate the Muslim religion from the acts of the terrorists on September 11 in New York and Washington. Our own Prime Minister took time to visit a mosque to show his tolerance and leadership. "It was not the Arabs," we said, "only the acts of a crazy few," although in many parts of the world the acts of September 11 were greeted with cheers and jubilation.

Our policy of supposed even-handedness, which ensures that even the most wretched of human behaviour receives a fair hearing, has not been modified with the proviso that "the actions of Israel are not an excuse to attack Jews in your own country." Jews, to their credit, are not branding me an anti-Semite because I come from Saskatoon and am of Ukrainian descent.

Currently, our foreign policy equally supports the Israelis and the Palestinians. It is the same as the European foreign policy of why can they not get along and why are the Jews obstructing — in some cases boycotting — potential export opportunities to all those oil rich human rights abusers found in the Arab world?

We have risen in partial defence of the only real democracy in that part of the world which, even as I speak, allows domestic dissent to the war with Yasser Arafat and his terrorist administration, which sends teenage girls strapped with explosives to kill a few hundred civilian Jews shopping and drinking coffee.

In another nation, oil rich Saudi Arabia holds a telethon, reportedly for humanitarian aid, but we know it is more likely for raising funds that will pay for more teenage girls and boys to strap on more explosives and wander around Israel looking for victims.

How can we even talk to these people? Is there something I am missing or do we have something in common with them? What has Israel ever done to Saudi Arabia, Egypt, Jordan and Syria, except fight for and win its sovereignty at times when these nations attacked with the object of annihilation?

Honourable senators, I urge the federal government to be unequivocal in the support of Israel and to condemn the acts of violence against Jews not only in Canada but throughout the world. I ask the Prime Minister to write immediately to the President of the Europe Union and condemn the impending trade actions against Israel that they are contemplating. I call on the Prime Minister to condemn the acts of violence that use young men and women as human bombs — men and women who are far too young and vulnerable to take their own lives and those of others. Talking about human rights violations, what about paying families huge amounts of money to sacrifice their children here on earth, promising them sanctuary and paradise in heaven? Israel is not the impediment to peace.

The criminal arson committed on April 5 in Saskatoon is testament to how close we always are to acts of anarchy within our society. A normally peaceful city has been disturbed by an act that we should find repugnant to our character and to our community.

FOOD SAFETY AND GENETICALLY MODIFIED ORGANISMS

Hon. Jim Tunney: Honourable senators, we are faced with the extremely complex issue of biotechnology and, more specifically, the introduction of GMOs, or genetically modified organisms.

An article in *The Western Producer* indicated that Monsanto Canada discovered a gene in one of its GMO canola crops that should not be there. It was found in Quest canola, marketed by the Saskatchewan Wheat Pool and Agricore, which has already been sold to approximately 3,000 farmers. According to a Monsanto spokesman, it was never intended to be in varieties for farmers. They conducted a voluntary recall and offered replacements. Monsanto is quoted as saying, "It has been caught. We saw it, we found it, and we dealt with it."

Honourable senators, I have extreme concerns regarding the lack of control of this technology. Genetically modified Canola has already chased away our customer the Europe Union, which was a major buyer of our canola in the mid-1990s. It will certainly do nothing to assuage the fears of Japan.

• (1350)

I would like to emphasize that there are currently no transgenic varieties of wheat or barley registered for commercial use in Canada. There is a possibility that, by the year 2003, transgenic grain could be considered for registration. However, in all likelihood, it is much further away than that.

Honourable senators will know that Canada operates a supply management system for dairy and poultry, and will also know of the benefits of that program to producers, processors and consumers. The availability of food safety and consistency, at reasonable prices, marks the difference between Canada's producers and consumers, and those of other countries. These are features that Canada must support and protect. A good example of that is the rewards to producers and consumers that came with Canada's decision not to approve the use of rBST, the growth hormone that was never wanted or needed.

Governments and the general population must continue to insist that we never give in to the large pharmaceutical companies, in their efforts to win approval for the use of such practices.

[Translation]

ROUTINE PROCEEDINGS

AUDITOR GENERAL

REPORT TABLED

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour of tabling the report of the Auditor General of Canada for the year 2002, pursuant to the Auditor General Act, S.C. 1995, Chapter 43, section 3.

CANADIAN NATO PARLIAMENTARY ASSOCIATION

MEETING OF SUBCOMMITTEE ON FUTURE SECURITY AND DEFENCE CAPABILITIES OF NATO PARLIAMENTARY ASSEMBLY, MARCH 5-8, 2002— REPORT OF CANADIAN DELEGATION TABLED

Hon. Shirley Maheu: Honourable senators, I have the honour of tabling the report of the Canadian NATO Parliamentary Association, which represented Canada at the meeting of the Subcommittee on Future Security and Defence Capabilities of the NATO Parliamentary Assembly, held in Slovenia and Slovakia, from March 5 to 8, 2002.

[English]

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. E. Leo Kolber: Honourable senators, I give notice that at the next sitting of the Senate I will move:

That the Standing Senate Committee on Banking, Trade and Commerce have power to sit at 3:30 p.m. on Tuesday, April 30, 2002, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

[Translation]

PALESTINIAN TERRITORIES

HUMANITARIAN SITUATION—NOTICE OF INQUIRY

Hon. Marcel Prud'homme: Honourable senators, I give notice that on Tuesday, April 30, 2002:

I will call the attention of the Senate to the humanitarian situation in the Palestinian Territories.

I will undoubtedly have the pleasure, at that time, of commenting on...

[English]

— the statement of the Honourable Senator Tkachuk earlier today and any other senators.

QUESTION PERIOD

PUBLIC WORKS AND GOVERNMENT SERVICES

PURCHASE OF CHALLENGER AIRCRAFT FOR GOVERNMENT FLEET

Hon. J. Michael Forrestall: Honourable senators, I have a question of the Leader of the Government in the Senate on commonality of services with regard to training and so forth.

So far, Canadians have been told by the Minister of Public Works and Government Services that the reason for the purchase by the government of the Challenger 604 aircraft was that our Challenger fleet was old, unreliable and could not take off from shorter runways, and that the purchase would produce savings through commonality with the existing fleet.

Is that a correct summary of the government's reasons for this purchase?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. It is important to understand why the Challengers were purchased. It is true that they are old, though certainly not as old as much of our military equipment. They are 19 years old. The more precise reason is that they could not go the distance required in many of the trips that needed to be taken, and they could not land at a number of airports in this country due to the length of the runways.

I know of no statement made by any government official indicating that they were unreliable.

Senator Forrestall: Honourable senators, I have heard that suggested on a number of occasions.

Earlier, the Minister of Public Works, the Honourable Don Boudria, cited commonality with the existing fleet of Challengers as justification for the recent sole purchase contract to buy the two new Challengers from Bombardier. Yet, last October 30, if my memory serves me correctly, Mr. Boudria's Assistant Deputy Minister, Jane Billings, told a Committee of the Whole of the Senate that such a transaction would not be allowed under the agreement on internal trade.

Ms Billings said at the time:

We cannot use commonality to support buying more of a major system.... We cannot use it to justify going out for a sole source.

Will the government now cancel the purchase of the Challenger and call a tender, or was Ms Billings wrong and this chamber given incorrect information? It cannot be both ways.

Senator Carstairs: Honourable senators, we are talking about two different purchases, as the honourable senator knows. The important issue is that of purchasing aircraft that will be used primarily by the Prime Minister, the Deputy Prime Minister and other members of the cabinet. Those people should, if at all possible, be flying in a Canadian-made aircraft.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— POSSIBILITY OF PURCHASING CORMORANT HELICOPTERS

Hon. J. Michael Forrestall: We could have built the Cormorant here in Canada. That was no problem.

Based on the fact that the government has on a number of occasions cited, in defence of its decision, commonality and the savings arising from that commonality, including flight training and parts, will the Leader of the Government in the Senate ask that cabinet immediately direct the purchase of the new Maritime helicopter to Cormorant in order to save some \$500 million in the defence budget? That amount of money would procure at least six of the C130J Hercules tactical transport aircraft, in addition to the new Maritime helicopters, so that we could — to use a ba pun — kill two birds with one stone.

• (1400)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as I understand the honourable senator's question, he is suggesting that I go to the government, interfere with the process that has been ongoing now for several years to develop the best possible helicopter for the Canadian Armed Forces and identify just one helicopter, leaving everyone else out of the bidding process. My answer to that is no, I will not.

Senator Forrestall: Honourable senators, the leader would abandon her responsibilities to everyone in order to hide behind that argument.

The fact of the matter is that the Prime Minister of this country did precisely that. Was it all right for him and not all right for the minister?

Senator Carstairs: Honourable senators, I am not sure of the nature of the honourable senator's question. If the honourable senator is saying that we should not have bought the Challengers, then my answer to that is that we made a good purchase. They were purchased, for example, so the Prime Minister would have such a plane to travel all over Africa, as he did in his recent trip, a total of 25,000 kilometres. The Deputy Prime Minister used such a plane to travel northern, southern, eastern and western India representing the Government of Canada. I, for one, take great pride when a Canadian plane lands in those countries and is recognized as such.

Senator Forrestall: Honourable senators, whether the Prime Minister of my country should be able to fly conveniently and comfortably to places around the world on Canadian business was not my question.

My question is: When it was convenient, it was all right to step outside the rules. When it was not convenient for whatever reason, it is not all right. I would really appreciate knowing that reason. The frankness of it would be wonderful and easily accepted.

Why could the government step outside the rules in one case, and it could not do so with the Cormorant? Why have we wasted seven years? Why have we placed in danger's way unnecessarily the lives of men and women for seven years? That situation could be corrected tomorrow morning by the will of one man. Has the minister the courage to speak up?

Senator Carstairs: Honourable senators, with the greatest respect, I would like to speak up for those who fly our Sea King helicopters: Their families do not want to hear consistently from the senator on the other side that the flight crews are in danger.

Some Hon. Senators: Hear, hear!

Senator LeBreton: That is pathetic.

Hon. Gerry St. Germain: Honourable senators, I get disgusted when I hear such responses from the Leader of the Government in the Senate. The minister talked about the Prime Minister travelling to Africa and the Deputy Prime Minister travelling to India, this at a time when Western Canada is on its back from issues surrounding softwood lumber and agriculture. The minister said that the reason that the government is buying these planes, over the safety of our Armed Forces, is so that they can go the distance and get into certain airports. Would it be so bad if they had to stop and refuel somewhere?

I am a former military pilot, and I say that the Liberals have put the Armed Forces in jeopardy and in true danger by virtue of delaying the helicopter purchases to which Senator Forrestall referred. The minister has the audacity to come here and make the inference that flight personnel are not in danger when it takes 36 hours of service to fly the Sea Kings for one single hour.

I ask the Leader of the Government in the Senate this: Where does the rationale come from, that these people are not in danger? Has the government sacrificed the safety of our Armed Forces so

that the planes carrying the Prime Minister can go the distance and get into more airports? It does not make sense.

Senator Carstairs: As the honourable senator knows, the Maritime Helicopter Project is ongoing. Decisions will be made this year with respect to the basic piece of equipment. Decisions will be made early next year with respect to the mission potential of that particular plane. The issue that the honourable senator has raised is not a valid issue.

Senator Forrestall: Who is in danger?

Senator Carstairs: If one examines the work of the Sea Kings in the present war against terrorism, it has been first-class. It has been recognized by the United States as being first-class, and we have not put our airmen in danger at any time. To say otherwise does a great disservice, not only to those airmen but, more importantly, to the families who hear this kind of rhetoric and become seriously worried about the members of their family who are up in those planes.

Senator St. Germain: Honourable senators, I have a supplementary.

The Hon. the Speaker: Before proceeding, honourable senators, I remind all honourable senators that Question Period is for questions and answers and not debate. I also remind honourable senators that I have a fairly long list of senators who wish to ask questions. I am conscious that we should not spend too much time on one issue so as to allow others the opportunity to put their questions.

Senator St. Germain will have the final supplementary.

Senator St. Germain: Honourable senators, the Leader of the Government in the Senate speaks of rhetoric. Let us look at the situation realistically. Those of us who fly know that if an aircraft requires 36 hours of service to fly one hour, there is something wrong. There is either something wrong with the service, which I do not believe to be so, or there is something wrong with the aircraft.

I will mention another thing in regard to this particular issue. In Afghanistan our troops were on the ground because they could not be transported from one site to another. Now, the minister says that we have greater justification in purchasing new Challengers even though the existing Challengers are adequate. How does the minister justify this rationale to the general public? The people out there are wondering what is going on.

Senator Carstairs: Let me correct a couple of errors that the honourable senator has just made. First, it does not take 36 hours to maintain the plane.

Senator Lynch-Staunton: How much time does it take?

Senator Carstairs: Second, the honourable senator has credited me with saying that there was greater justification to buy the Challengers. I said no such thing. We did purchase two Challengers, and there is no question about it. We are ongoing in our developmental program with respect to the Sea King. The new replacement helicopters will be purchased, and those orders will be given relatively soon.

Senator Lynch-Staunton: When? How many hours will it take?

Senator Forrestall: Tell us how many hours.

INDUSTRY

MINISTERIAL ARRANGEMENT WITH GENOME CANADA

Hon. Donald H. Oliver: My question is for the Leader of the Government in the Senate. It relates to the Auditor General's report. The honourable leader will recall that yesterday senators from this side asked a number of questions about financial reporting and accountability for various agencies as discussed in the report by the Auditor General. Today, I would like to pose some questions in relation to governance problems with Genome Canada.

My questions relate specifically to the ministerial oversight provisions of this non-profit corporation. There is no provision for the Department of Industry to take corrective action if the ministerial oversight arrangement that it has with Genome Canada goes off track. Could the Leader of the Government in the Senate please explain why this is the case?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, with the greatest respect, I do not have that very specific information about the Genome project. However, I will ask officials to provide me that information and get it to the honourable senator as quickly as I can.

Senator Oliver: Honourable senators, in terms of transparency with respect to Genome, the Auditor General pointed out in her report that the existing provisions severely limit public access to information about that particular project. Genome Canada by-laws state that third parties, who are ordinary Canadians, cannot have access to any confidential information broadly defined as including any information or documents obtained by directors or officers in the course of their duties. That is extremely broad.

Could the Leader of the Government in the Senate please explain what public policy principles are being served by this arrangement of refusing to allow ordinary Canadians to have access to information that members of the board of directors would have?

• (1410)

Senator Carstairs: As the honourable senators knows, as do the other members of this chamber, Genome Canada is primarily a research project. I can only assume that is one of the reasons. It seems to me somewhat unusual that this information would be available to directors but not to the public as a whole, so I will obtain that information for the honourable senator.

[Translation]

UNITED NATIONS

SITUATION IN MIDDLE EAST—VOTE ON RESOLUTION

Hon. Marcel Prud'homme: Honourable senators, once again, I am completely confused about our government's foreign relations policy. Yesterday, in Geneva, Canada found itself alone with Guatemala, on an important and innocent resolution.

I wonder what new criterion is driving the government to leave us suddenly with a new ally.

[English]

Recently it was the Marshall Islands and the Solomon Islands. Now, as I said yesterday, we are improving. We are alone with Guatemala. Could I kindly ask what is the rationale behind this policy? Are all the others so out to lunch that they make no sense and Guatemala, at long last, is standing up?

I am saying I know why. I double-checked and triple-checked on this issue. I was told by the Department of Foreign Affairs and others that we have to give in to the other side. I am ashamed. We stand for equality for all. If it is embarrassing politically, we should stand up. Could the minister explain to me the rationale, please?

Hon. Sharon Carstairs (Leader of the Government): I think the honourable senator has explained it quite well himself. We should stand for equality for all.

Senator Prud'homme: Honourable senators, Senator Fraser and others can applaud. I enjoy watching those who applaud. It gives me a good idea of what to expect in the future.

THE SENATE

FOREIGN AFFAIRS COMMITTEE—POSSIBILITY OF SPECIAL MEETING ON SITUATION IN MIDDLE EAST

Hon. Marcel Prud'homme: Honourable senators, my second question is to the Chairman of the Standing Senate Committee on Foreign Affairs, who is here today in this place. At this time, when the world is looking at the situation in the Middle East, when parliamentarians of all democracies are interested in this issue and are holding meetings, I kindly ask Senator Stollery if he would not consider having a meeting, as we used to have in the House of Commons on these issues? Would he not see fit to call a special meeting to hear as witnesses the Israeli ambassador, a very fine gentleman, and various other people, to explain the policy of Canada, where we are, what we can do. We could make suggestions. I am sure there is enough here to put forward some strong suggestions. My hope is that the committee chairman reflects on my suggestion and considers the possibility of holding a special meeting, if not a regular meeting, of his very senior committee.

Hon. Peter A. Stollery: Honourable senators, I take the question as a submission by Senator Prud'homme to the committee. I am not a member of the government, and I am never clear about the regularity of questions to committee chairmen.

As the honourable senator is aware, the committee has been actively engaged in a study of Russia and Ukraine, and we are about to complete our report. Certainly, we will listen to his presentation.

Senator Prud'homme: I used to be chairman of the Foreign Affairs Committee in the House of Commons, having the full confidence of the Right Honourable Pierre Elliott Trudeau for over 14 years. Very regularly, I would hold special meetings. We do not need an order of reference. Leaders of the world attended special committees of the House of Commons and the Senate, the Senate being led at that moment by the very distinguished Senator Van Roggen from Vancouver. Surely, there would be enough interest to have a special meeting.

Honourable senators, the situation in the Middle East is so dangerous that everything could explode. What more can I say? Do you not look at the television, honourable senators? Do you not see what is going on? The world could explode overnight, and we will have to send Canadian soldiers with helicopters and everything else. We will have to do our duty, although we are not armed to do so.

I kindly ask if the committee chairman will take the initiative of seeing if there is interest in holding a special meeting. He would be surprised at the interest that senators and members of the House of Commons would show for such a meeting.

Senator Stollery: Honourable senators, as I repeat, I am not a member of the government. I am Chairman of the Standing Senate Committee on Foreign Affairs. I am quite aware of the difficulties in the Middle East and the tremendous tensions there, as I am sure every other honourable senator is here today. The Foreign Affairs Committee does have special meetings. We held one yesterday, as a matter of fact.

This issue seems to have gone very far. If we could be of assistance, of course we would be happy to be so. As I say, I have listened to the representations from Senator Prud'homme.

[Translation]

JUSTICE

AUDITOR GENERAL'S REPORT—COMPILATION OF STATISTICAL DATA ON PENAL SYSTEM

Hon. Pierre Claude Nolin: Honourable senators, my questions concern the report tabled yesterday by the Auditor General, more specifically chapter 4 on the criminal justice system.

The Auditor General has serious misgivings about the capacity and the desire of the federal government to put in place assessment mechanisms that will allow a comprehensive analysis of the overall impact of certain government policies on the criminal justice system. According to the report, and I quote:

...we doubt that such an assessment is possible with the national data and analytical capacity currently available.

As an example, the report points out that the Canadian Centre for Justice Statistics is unable to meet all requests for information.

My questions are as follows: How can we hope to collect comprehensive and recent data? How can we put in place strategies to integrate information in this area? How can we create effective assessment mechanisms in order to improve the effectiveness of the criminal justice system and the public's trust in it, if the primary federal agency responsible for collecting and analysing data is under-funded? I am referring more specifically to funding for the Canadian Centre for Justice Statistics.

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question because the Auditor General did make some very serious comments about the lack of coordination of activities and the lack of statistical analysis. As the honourable senator well knows, the administration of much of the judicial system happens at the provincial level. An agreement is required to share that statistical data and information not only between federal and provincial governments, but also between provincial governments.

• (1420)

I am informed that the Minister of Justice takes this matter into grave concern and that he will be working with his officials to see if there are ways to further develop the sharing of data among the players in this endeavour.

[Translation]

Senator Nolin: Improved coordination between the federal government and its provincial partners, which are responsible for the administration of justice, is a step in the right direction. In her report, the Auditor General mentions the 2002-2003 budget for the Canadian Centre for Justice Statistics, which will reach \$5 million.

A detailed examination of the programs currently being provided by the Canadian Centre for Justice Statistics reveals that this leaves only \$150,000 to respond to additional information requests and to develop new projects. The Minister of Justice no doubt knows that the Canadian Centre for Justice Statistics receives many very detailed requests during the course of the year.

Will the minister make a commitment to pressure the Minister of Finance to increase the Centre's budget so that it can carry out its mandate to the fullest?

[English]

Senator Carstairs: Honourable senators, the honourable senator makes an excellent suggestion. I will bring it forward to the Honourable Minister of Finance as well as to the Minister of Justice. However, we should also examine the integrated justice initiative that is now taking place between the provinces, territories and the federal government. Hopefully, that coordination of information can be of advantage as well in ensuring that we have the most accurate information possible.

PARLIAMENT

AUDITOR GENERAL'S REPORT—OVERSIGHT OF GOVERNMENT AGENCIES—GOVERNMENT RESPONSE TO CONCERNS OF ACCOUNTABILITY

Hon. Roch Bolduc: My question is for the Leader of the Government in the Senate. For several years now, both the Auditor General and those of us on this side of the chamber have been concerned about the increasing use of arm's length agencies to deliver government services. Leaving aside the issue of using various foundations as a way to magically transform a deficit into a surplus or a surplus into a deficit, parliamentary oversight has been placed at serious risk.

Three years ago, in 1999, the Auditor General told the government to clean up its act, calling for comprehensive remedial action, including stronger leadership. The Public Accounts Committee in the other place, a few months later issued a report echoing the Auditor General's concerns. Yet, since 1999, a further \$6 billion has gone out of the door for new foundations and agencies, without any real thought to proper governance and parliamentary oversight.

I remember, during Mr. C. D. Howe's time, we talked about millions as peanuts, now billions are peanuts. Could the government leader advise the Senate as to why \$6 billion has been given to arm's length agencies since 1999 without any attempt to address the serious deficiencies found by the Auditor General?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, first, we have somewhat of a philosophical difference. The government has used foundations. The opposition has consistently objected to those foundations. I do not expect that that philosophical debate will be resolved this afternoon in Question Period.

However, the honourable senator fails to make note of the Auditor General's acknowledgement that the government has made improvements in the governance structures and accountability of the arm's length arrangements in the most recent foundations that have been established. Does that mean we do not have to reach for more accountability? Absolutely not. There is still room for improvement in accountability, and I can assure honourable senators that the government is examining that.

Senator Bolduc: What bothers me a bit is that the Auditor General said the following of the government response. The government said we will do something about it. The French version of the report has a sentence that the minister might be interested in reading. I quote:

[Translation]

The government recognizes the need to improve a certain number of elements from the governing framework, but it does not specify, in its response, to what extent it agrees or disagrees with most of our comments and recommendations to implement these elements in practical terms.

[English]

The Auditor General said in another paragraph:

1.5 Parliament is not receiving reports on independent, broad-scope audits that examine more than the financial statements of delegated arrangements, including compliance with authorities, propriety, and value for money. With a few exceptions, Parliament's auditor should be appointed as the external auditor of existing foundations and any created in the future, to provide assurance that they are exercising sound control of the significant public resources and authorities entrusted to them.

Indeed, not only does the Auditor General not audit these funds but also, in many cases, they are not even scrutinized by the sponsoring department once the money has gone out the door. Will the government respect this specific recommendation and put the Auditor General in a position to provide Parliament and the public with assurances that funds advanced to these agencies are spent with prudence and for the purposes for which they were intended?

Senator Carstairs: Honourable senators, I thank the honourable senator for his question. The honourable senator will acknowledge that modifications were made in those foundations that received their money in the December 2001 budget. Those changes and modifications were necessary to strengthen the accountability of those foundations, and I think that was well recognized on both sides of the chamber.

I want to assure the honourable senator that similar improvements will be made to the funding arrangements of the other older foundations. This is how we will respond to the way in which the Auditor General has spoken about the foundations.

As to the honourable senator's specific question on whether the Auditor General's office is the only one that can provide a form of auditing for these foundations, the honourable senator and I have a philosophical disagreement because, I think, there are external auditors who can perform that function very well.

[Translation]

DELAYED RESPONSES TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table two delayed responses. The first is in response to a question raised by Honourable Senator Nolin on March 19, 2002, concerning Canada Post and official languages, and the second is in response to a question raised by Honourable Senator LeBreton on March 19, 2002, concerning the Marketed Health Products Directorate of Health Canada.

OFFICIAL LANGUAGES

CANADA POST— OBSERVANCE OF STATUTE IN ATLANTIC CANADA

(Response to question raised by Hon. Pierre Claude Nolin on March 19, 2002)

As a federal Crown corporation, Canada Post is subject to the Official Languages Act and is fully committed to ensure that the workplace is conducive to the use of both official languages in bilingual regions in Canada.

In the province of New Brunswick, Canada Post has taken measures to maintain a supportive work environment. Jointly with the Office of the Commissioner of Official Languages, the Corporation held information sessions for all employees to increase awareness of their rights and obligations with respect to language of work.

Canada Post also took steps to ensure that all employee communications and work instruments are available to employees in their preferred official language.

Canada Post will continue to work diligently to ensure full respect of employees' language rights.

HEALTH

PROPOSED DRUG MONITORING AGENCY

(Response to question raised by Hon. Marjory LeBreton on March 19, 2002)

The new Marketed Health Products Directorate responsible for post-marketing surveillance will have a direct reporting relationship with the Assistant Deputy Minister of Health Canada's Health Products and Food Branch (HPFB). This change establishes an organization within HPFB focused on post-market surveillance of marketed health products and demonstrates the strengthening of this work within the Department.

The new Marketed Health Products Directorate will be responsible for post-approval surveillance and assessment of marketed health products. This will include:

- biologics;
- food interactions with other health products;
- medical devices;
- medication incident/error;
- natural health products;
- pharmaceuticals;
- radiopharmaceuticals;
- vaccines; and,
- veterinary health products.

As part of its responsibility to assess and coordinate the response to marketed health product safety matters, the Directorate will continue the Department's work on a range of activities including:

- monitoring and collecting adverse event and medication incident data;
- reviewing and analysing marketed health product safety data;
- identifying safety hazards;
- conducting risk/benefit assessments;
- communicating product related risks to health care professionals and the public; and,
- measuring the effectiveness of marketed products

The new Directorate will work towards assuring that HPFB programs take a harmonized approach across a range of health product lines to monitoring, assessing and intervening. Appropriate linkages with the pre-market review bureaux will also be maintained. It will cooperate and communicate closely with the other Health Canada Directorates, Offices and Regions. It will also contribute to and coordinate risk management activities related to marketed health products.

In addition, increased emphasis on involvement of external scientific and stakeholder advice and input concerning marketed health product safety and effectiveness will be implemented to address stakeholder concerns about the need for increased transparency.

The inspection and compliance function for health products is the responsibility of the HPFB Inspectorate and is a Branch level organization. The new Directorate establishes an organization within HPFB focused on post-market surveillance activities to monitor the risks and benefits of marketed products.

POINT OF ORDER

Hon. Marcel Prud'homme: Honourable senators, I really appreciate the new way of recognizing senators during Senators' Statements.

[English]

Honourable senators know that yesterday — His Honour was not here — I got up from the first moment but I did not get my chance. I accepted that, given that, in the old days, His Honour had a tendency to say, "I see there are three following who I shall recognize, and after that it will be finished." That did not happen yesterday. I did not complain; I just made a remark to Senator Robichaud.

Today, His Honour had 11 names on the list. I appreciate that. At least that is orderly. I was number 11 even though I had given notice yesterday. I can take "no" for an answer. I do not expect to be recognized every time I feel like getting up and I do not feel like getting up every day anyway. I would like to know the rationale for the specific time reserved for senators statements? I assure honourable senators that I will come back here starting tomorrow with a clock to time the three minute allocation. I have always said I am ready to abide by that rule if others do and the same thing goes for Question Period, three minutes, to give honourable senators many more chances.

What would be His Honour's current rationale for those who make statements? Who do we tell in advance? Is there a clock kept for those who come first, second, third or fourth? Until last week, His Honour saw fit to recognize everyone who got up, and the system worked very well. However, today there was a list of 11 senators. I was number 11, so I knew that I had no chance, and I abide by that. Is there a new procedure? I would like to be advised accordingly.

The Hon. the Speaker: Honourable senators, that is a good question. Let me give you the Chair's position when dealing with senators' statements. I usually receive from the table a list of honourable senators who wish to make a statement, and it is in a certain order.

• (1430)

That list exists because senators have given notice that they wish to make a statement. I also receive notice of senators who wish to make statements by verbal communication to me or by standing in the chamber during Senators' Statements.

When the list appears to be longer than the allotted time will accommodate, it has been my practice — although I do not observe it on every occasion — to read the list so that senators will know when it is their turn to speak. For those senators remaining on the list at adjournment, I have tried to ensure that their names appear at the top of the list for the next sitting. I understand that did not happen for today's sitting and I will look into it.

Honourable senators, I also rise to present the list when there are senators standing during Senators' Statements because that indicates to me that they do not know whether their names are on the list. As a courtesy to those senators, the Chair should read the list.

There is no hard and fast practice as to the orderliness of the way in which the chair proceeds.

Hon. Eymard G. Corbin: Honourable senators, I did not ask to speak but I would like to respond to some of His Honour's comments.

This is the first time that I have heard of a list. I do not believe that the *Rules of the Senate* provide for a list or even for notice. The Chair simply recognizes honourable senators rising in their places wishing to read statements.

The speaker's exercise of discretion is such that there is recognition of the first senator on his or her feet. That has been the standard practice. I can certainly appreciate His Honour's position and I sympathize with him. When there are many senators rising, it would be a convenient practice to proceed on the basis of the list. However, that is a new approach in terms of the standard practices of the Senate.

The Hon. the Speaker: I appreciate the honourable senator's comments.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, I had not intended to speak, but since Senator Prud'homme raised the issue and since today you seemed to be much more strict on the use of time, I would like to know if you will deduct, from the time allotted during Senators' Statements and Question Period, the time that you take to give the list or fulfil your duties as Speaker?

[English]

The Hon. the Speaker: Honourable senators, I do not intend to comment on Question Period, because that issue has not been raised. The matter of order that Senator Prud'homme raised was in respect of senators' statements. I appreciate input from all honourable senators.

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, I would like to introduce the pages who are visiting the Senate today from the House of Commons. Ms Megan Hayduk of Prince Albert Saskatchewan, is studying at the Faculty of Arts of the University of Ottawa, and Ms Vanessa Cranston of Waverly, Nova Scotia, is studying communications at the Faculty of Arts of the University of Ottawa.

[Translation]

ORDERS OF THE DAY

NUNAVUT WATERS AND NUNAVUT SURFACE RIGHTS TRIBUNAL BILL

MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill C-33, respecting the water resources of Nunavut and the Nunavut Surface Rights Tribunal and to make consequential amendments to other Acts, to acquaint the Senate that the House of Commons has agreed to the amendment made by the Senate to this bill, without amendment.

[English]

FOREIGN MISSIONS AND INTERNATIONAL ORGANIZATIONS ACT

BILL TO AMEND—THIRD READING— MOTION IN AMENDMENT—VOTE DEFERRED

On the Order:

Resuming debate on the motion of the Honourable Senator Graham, P.C., seconded by the Honourable Senator Pépin, for the third reading of Bill C-35, to amend the Foreign Missions and International Organizations Act.

Hon. Terry Stratton: Honourable senators, while Bill C-35 was the subject of only two days of hearings in the Foreign Affairs Committee, I believe the evidence we received from both the Canadian Civil Liberties Association and from Amnesty International raised significant issues in respect of the propriety of this legislation.

Bill C-35's focus is the specific delineation of police powers during international meetings and broadening the means by which persons forming part of the foreign delegations attending meetings in Canada may enter Canada and receive diplomatic immunity. This bill must be placed in a contemporary context.

We have had experience in the last year, in Ottawa, with an attempt to abuse diplomatic immunity in relation to impaired driving by a Russian diplomat. Currently, a Japanese diplomat here in Ottawa is under investigation for drunk driving after a crash on March 23 that narrowly missed a carload of teenagers.

Honourable senators, we have the context of the interim and final reports of the APEC Inquiry, both of which deal with the issue of undue influence being exerted on the RCMP by the Prime Minister's Office during meetings of international heads of state. This interference led directly to protesters having little or no access to those delegates attending the APEC meeting in Vancouver. We have the recommendation by Mr. Justice Hughes in his interim report on the APEC incidents that states:

When the Royal Canadian Mounted Police is called upon in future to police public order events, the leadership of the force should ensure that:

Generous opportunity will be afforded for peaceful protesters to see and be seen in their protest activities by guests to the event; and

No attempt will be made to use a university campus as the venue for an event where delegates are to be sequestered and protected from visible and audible signs of dissent.

Honourable senators, Bill C-35 must be seen in the context of the fact that the G8 meeting this summer will take place outside Calgary, Alberta, in Kananaskis. I will refrain from commenting on the fact that crucial security information for this conference appeared in *The Globe and Mail* last week because that is a topic for discussion at another time.

In the hearings before the House of Commons Foreign Affairs Committee and the Senate Foreign Affairs Committee, those who questioned the efficacy of Bill C-35 concentrated on three main areas: the power given to the RCMP to limit public access to certain areas during international conference; the extension of diplomatic immunity to those representing non-treaty organizations who are meeting in Canada; and the change in the method by which the people in these delegations who might not otherwise be admitted to Canada can gain entry to Canada through a blanket approval obtained by Order in Council.

Professor Wesley Pue of the University of British Columbia, who gave evidence in the other place, and Mr. Allan Borovoy of the Canadian Civil Liberties Association, commented in a negative fashion on these powers given to the RCMP. Professor Pue, who has been particularly critical of the government's and the RCMP's lack of response to the APEC inquiry report, believes that this clause will legitimize the role of the RCMP during the APEC meetings.

Mr. Borovoy is concerned that the RCMP should not, on its own, determine the limitation of access by the public and by legitimate protesters to those attending international meetings. He believes that the minister in charge should be making the decisions in respect of the restriction of public access. I might be inclined to agree, were it not for our experience with the office of this Prime Minister and his interference with policing at APEC, as so graphically described in the APEC inquiry report.

• (1440)

The interference of Jean Carle, the Prime Minister's personal representative, in every aspect of security at APEC, especially his attempt to delineate an area to which protestors would not have access, undermines Mr. Borovoy's conclusions. Also, it is not good enough to respond, as did the Minister of Foreign Affairs, that the Charter of Rights and Freedoms applies. While it may apply to protect freedom of assembly and freedom of expression, it requires time and money to bring the full weight of the Charter to bear through intervention in the courts. By the time we determine how the Charter can apply to protect the rights of protesters, the event may very well have been held and the foreign diplomats returned home.

This whole area of legitimate protest at international events, policing powers and the possibility of political interference is one with which we as parliamentarians should be especially concerned.

The other aspects of this bill, raised in the appearance of Amnesty International before the Foreign Affairs Committee, deal with who gets into Canada, their immunity from prosecution while in Canada and the method by which they gain entry. Only time will tell whether people or groups will gain entry into Canada who might not have had Bill C-35 not been passed. Only time will tell whether diplomatic immunity will be abused by those who enter Canada under the provisions of Bill C-35.

The only way we will know if there are abuses under Bill C-35 is to require a full annual report to Parliament by the Minister of Foreign Affairs on all aspects of the operation of this bill. Only then will be able to determine if people who would have possibly been denied a ministerial permit to gain entry were able to gain entry to Canada under the Order — in Council blanket approval method set out in Bill C-35.

Concern was expressed by Amnesty International that under this new regime those who had committed or at least were accused of committing crimes against humanity could enter Canada. A full report on the operation of Bill C-35 should give us this type of information. Are we allowing potential terrorists into Canada, as suggested by Amnesty International, under the guise of being participants at international meetings?

Honourable senators, Bill C-35 is part of a trilogy of bills introduced by this government, after September 11 last year, that have the potential to give increased powers to the state and to the police. It is our role as parliamentarians to ensure that the use of these powers is monitored and that these powers are not abused. If the monitoring activity is to be carried out effectively, we need information.

[Senator Stratton]

MOTION IN AMENDMENT

Hon. Terry Stratton: Therefore, honourable senators, I move:

That Bill C-35 be not now read a third time but that it be amended,

(a) on page 8, by adding after line 35, the following:

"9. The Act is amended by adding the following after section 13:

ANNUAL REPORT

13.1 The Minister of Foreign Affairs shall, as soon as possible after the end of each fiscal year, cause a report to be prepared on the administration and enforcement of this Act for that year and shall cause the report to be laid before each House of Parliament on any of the first fifteen days on which that House is sitting after the Minister receives it."; and

(b) on pages 8 and 9, by renumbering clauses 9 and 10 as clauses 10 and 11 and any cross-references thereto accordingly.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment.

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those honourable senators in favour of the motion in amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion in amendment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

Call in the senators.

And two honourable senators having risen:

The Hon. the Speaker: Honourable senators, is there an agreement on a time for the bells to ring?

Hon. Bill Rompkey: If we are deferring the vote to tomorrow, I suggest that we set an early time. Perhaps 2:30 p.m. is acceptable to honourable senators.

The Hon. the Speaker: Honourable senators, is it agreed that the vote on this amendment will take place at 2:30 p.m. tomorrow with a 15 minute bell?

Hon. Eymard G. Corbin: On a point of order, I have not heard and I have not received a French text of that amendment. It is important that we do receive it.

The Hon. the Speaker: Honourable senators, as is the practice, I have read the amendment. If it is the wish of the chamber, I can read it in French, although at this particular stage I have put the question. A vote is called for and the amendment will be distributed in both languages, having just been received by the Chair. As a matter of courtesy, I can read it now, or we can distribute in the two languages, as is our custom.

Honourable senators, is it agreed?

Hon. Senators: Agreed.

VISITORS IN THE GALLERY

The Hon. the Speaker: I wish to take this opportunity to draw the attention of honourable senators to the presence in our gallery of guests from the Russian Federation: Tatiana Yakovleva and Alexander Koval of the State Duma; Oleg Saenko of the Office of Prime Minister Kasyanov; and Tatiana Melnickova of the Ministry of Labour and Social Protection.

Welcome to the Senate.

CANADIAN CHARTER OF RIGHTS AND FREEDOMS

MOTION IN RECOGNITION OF TWENTIETH ANNIVERSARY ADOPTED

Hon. Sharon Carstairs (Leader of the Government), pursuant to notice of April 16, 2002, moved:

That the Senate take note of the 20th anniversary of the *Canadian Charter of Rights and Freedoms*.

She said: Honourable senators, I am delighted to speak in this debate on the twentieth anniversary of the Charter of Rights and Freedoms. Unlike many in this chamber, I was not engaged in a direct way in the development of the Charter, and I know that some of them will speak, and will speak most eloquently, later in this debate.

The question I would ask each and every senator in this chamber is: What were you doing in the early 1980s as the Charter was being evolved? Were you talking about it? Were you discussing it? Did you know what it meant? Did you know what they were trying to do? Some can say that very clearly; others perhaps not so clearly.

I want to reminisce personally today about what I was doing during those particular years. In 1981 and 1982, I was a high school history teacher, actively involved in the Liberal Party in Manitoba and proud to call myself a feminist. Therefore, while the entire Charter was of interest, the fight for section 15, the equality rights provision of all Canadians, but particularly women, was a battle in which I was actively engaged.

• (1450)

For me, the Charter is the most important achievement of the last 20 years. I was very proud of the Bill of Rights of 1960 that was championed by the Diefenbaker government. However, having been a student of not only Canadian but also American history, I recognized its limitations as a simple piece of legislation and not as an entrenched document and part of our fundamental law, as was the case of the Bill of Rights in the United States.

Therefore, the entrenching of the Charter of Rights and Freedoms in the Canada Act represented a symbol of our coming of age to me.

My concern in 1982 was that Canadians, for the most part, would ignore this milestone because they would not know of the fundamental new direction that our nation was taking. Therefore, I believed I needed to do something personally, to teach Canadians about their new Charter.

To some degree, I must confess, my students became my guinea pigs. My experience with students, and I think Senator Cochrane will share that, is that they are very forgiving of teachers with pet projects, if their teachers are both enthusiastic about that pet project and have earned their respect.

I went about my business obtaining 25 copies of the new Charter. I had the copies laminated so that they would not become all dog-eared while we went through this discussion in class. We read and discussed the Charter together.

Honourable senators, I shall refrain from reading the entire Charter to you this afternoon; however, I would like to set the stage for you. My students were in the ninth grade. They were 14 and 15 year olds, a mix of boys and girls, many of Metis origin, and filled with the lack of attention that often occurs at this level when academic endeavours frequently take second place to raging hormones and the concept of socialization. It was in that atmosphere that we began our study.

I told my students that everyone has the following fundamental freedoms: (a) freedom of conscience and religion, (b) freedom of thought, belief opinion and expression, including freedom of the press and other media of communication; (c) freedom of peaceful assembly; and (d) freedom of association. Our discussion began.

I was asked many questions. Does freedom of association mean that I can have friends even if my parents do not like them? Does freedom of religion mean that I can have a different religion than my parents? Does freedom of thought mean that I can disagree with you — that is, me, the teacher — and not lose points for it on the next test? Does freedom of assembly mean that I can gather with my friends in the front of the 7-Eleven Food Store without being harassed by adults?

Clearly, their questions were the expression of a world seen through the eyes of a teenager. However, the discussions were thoughtful, and the students became quickly engaged.

The section on democratic rights and mobility rights were not as easy to deal with nor as interesting to the students.

However, when we began to discuss legal rights, the discussion was scintillating. Young people in this country often feel discriminated against. They resist authority. That is a natural activity of most teenagers, and they see the police as the most powerful of authority figures. Therefore, I invited a local police officer to meet with them. They described the law through his eyes, and they discussed it through his eyes, and then they discussed it through their eyes. They did find common ground.

The equality rights section was clearly applauded by the young girls in the class, but the boys felt a little bit threatened. The visible minority members of the class were fascinated that there was a clear recognition that the discrimination that many had experienced was not only wrong but also now was against their Constitution.

It is necessary to remember that, at the time of this study, Manitoba was engaged in the French-language debate. Therefore, the sections on official languages and minority language education rights came under careful scrutiny. Many of my students in the town of St. Norbert were francophones. Most did not speak French, however, although many of their parents and grandparents did. Finally, I think they understood why they had rights as francophones living outside of the province of Quebec and exactly what those rights were. The others in the class who did not have that background accepted it, although I have to say, sometimes grudgingly.

And so our study ended. Did they learn what I hoped they would learn and would they remember it beyond the test day? I will never know for sure, as teachers never do.

My only satisfaction came from the comments from students when I resigned after being elected leader of the Liberal Party in Manitoba a year and a bit later. Their comment was: "We will miss you because you made our history interesting." For all teachers, that is the ultimate compliment.

Hon. Senators: Hear, hear!

[Translation]

Hon. Gérard-A. Beaudoin: Honourable senators, the twentieth anniversary of the Canadian Charter of Rights and Freedoms is worthy of note. According to former Chief Justice Dickson, it is the major event in our constitutional history since the adoption of federalism in 1867.

I have decided to make a dozen very brief observations on the Canadian Charter of Rights and Freedoms.

I will begin by saying that it would be a mistake to limit debate to the Supreme Court. Parliament and the Government of Canada, and the parliaments and governments of each of the provinces, are also involved. They must keep the Charter in mind as they go about their duties.

As a legislator, I have seen firsthand the relations that must exist between the legislative and judicial arms. A certain "dialogue" has arisen between the two, a dialogue which is not over and which must continue. It is true that a legislator may be tempted in difficult cases not to follow its duty through to the end and to leave the problem to the courts. In my view, a legislator must never be afraid to legislate. If the issue is very difficult, it will end up before the courts, but at least the legislative arm will have done its duty.

The Canadian Charter of Rights and Freedoms can co-exist with federalism. Courts of justice are now accustomed to verifying whether legislation respects the division of powers and the Charter. We have a number of Supreme Court decisions concerning the constitutionality of legislation in both regards at the same time.

The court has handed down 450 Charter rulings in 20 years. The division of powers also given rise to several hundreds of rulings of the Supreme Court and the Judicial Committee of the Privy Council between 1880 and 1954, but this was over a much longer period.

In our system, the Constitution is supreme. This must be affirmed and the Constitution does just that. It is the law of laws. Now all we have to do is interpret it!

• (1500)

Of course the Supreme Court has a very important role to play. The legislative and the executive branches must also interpret the Charter before they act. The three branches of government, the legislative, the executive and the judiciary, must establish a certain harmony in applying the Charter.

Canada is a country that has entrenched the equality of men and women with respect to rights and freedoms more solidly in its constitution than any other country. Section 28 of the Charter establishes that the rights and freedoms apply equally to men and women, notwithstanding any other provision of the Charter.

In a September 1985 interview, given to the Southam News Agency, Chief Justice Dickson stated that the Supreme Court, based on individual Charter cases, would build a "cathedral" of jurisprudence.

The Charter is entrenched in our Constitution, as is the case in the United States with the *Bill of Rights*, which Thomas Jefferson, U.S. ambassador to France at the time, had suggested to his friend James Madison, secretary of the constitutional convention in Philadelphia in 1787. Some Canadians have said that there has not been an in-depth debate on the scope of the constitutional charter. They regret that the public did not get the opportunity to express itself. This is a mistake. This overlooks the work of the Hays-Joyal parliamentary committee, which sat for four and a half months and did very good work; it also overlooks the debate over the *Drybones* and *Lavell* decisions, and the *Lovelace* case that followed at the UN. The debate lasted for years!

Today, when asked about the 1982 Charter, a vast majority of Canadians support it: 91 per cent in Quebec and 88 per cent across all of Canada.

[Senator Carstairs]

We often hear that interpreting a constitution is as important as its wording. Justice Louis-Philippe Pigeon often wrote this in his work, and in the United States, Justice Hughes went as far as saying that the Constitution is what judges say it is.

[English]

The Constitution is what the judges say it is. I know that we could have a long debate on this. However, I agree with Mr. Justice Pigeon that the interpretation of the Constitution and the interpretation of the Charter, which is at the heart of the Constitution, is as important as the drafting of the Constitution.

[Translation]

The judges overall showed reserve. They brought down 450 judgments. Some forty or so statutes or provisions within statutes were declared unconstitutional, or about 10 per cent. That cannot be described as activism. It is more a form of judiciary dynamism, having enabled the Supreme Court of Canada to determine the scope of the Charter and to bring some new life into its interpretation.

Former Chief Justice Antonio Lamer was fond of differentiating between "activism" and "dynamism." He did so in his appearance before the Senate Committee on Human Rights on Monday April 15, 2002, when he clearly distinguished between a Charter with an activist interpretation and one with a dynamic interpretation.

I am very much in favour of a Charter of Rights. It is necessary in a true democracy, as has been said by many. Montesquieu said that power should be checked by power.

In conclusion, I would describe the century through which we have just lived as a violent one, probably the most violent of all centuries. Fortunately, however, it was also the century of the Universal Declaration of Human Rights in 1948 and of many international instruments relating to rights and freedoms. The 20th century was also a century of rights charters, which compensates for its violence.

Some hon. Senators: Hear, hear.

[English]

Hon. Jack Austin: Honourable senators, I have a question for the Honourable Senator Beaudoin, if he would agree to respond to one.

The Hon. the Speaker pro tempore: Will Honourable Senator Beaudoin accept a question?

Senator Beaudoin: Yes.

Senator Austin: Honourable senators, I very much welcome the remarks of Senator Beaudoin. I wish to ask him a question to which he may be uniquely able to respond.

As Senator Beaudoin knows, the living tree doctrine of the Constitution predated the Charter. In the last day or two, Senator Beaudoin may have noticed, Chief Justice Beverley McLachlin referred to the living tree doctrine as applying to the Charter. Is that a doctrine that the honourable senator believes is well established in Canadian constitutional practice?

Senator Beaudoin: The living tree doctrine, as established in 1930, is certainly a very good thing. It is a good doctrine. It was created by the Privy Council at the time of the division of powers between the provinces and the federal government. It is still in place.

However, in my opinion, it is not enough because, in 1867, we adopted the British system. We stipulated in the Constitution that our Constitution is like the British Constitution. Of course, in addition, we have federalism, which is very important. Evolution is great, and we are all in favour of evolution. Because of that argument, in 1929, the Famous Five won their case before the British Privy Council, and now the word "person" includes women. It was evolution. We need more than that.

• (1510)

Saskatchewan passed a Bill of Rights in 1947. The Diefenbaker government passed a quasi-constitutional Bill of Rights because he was not able to have the consent of the provinces and the federal authority. We had the *Drybones* case but it was an isolated one. We had the *Lavell* case, which was a terrible case in my opinion because it obviously was discrimination against women. Madam Lovelace won that case before the United Nations, and of course it precipitated the adoption of a real constitutional Charter of Rights binding, in all cases, all governments and all Parliaments. Therefore, to me, the living tree is a good one. The tree is still standing and growing. It must be very tall by now. We made a very good decision when we finally entrenched a constitutional Bill of Rights in the Constitution.

Hon. Michael Kirby: Honourable senators, it is always with some trepidation that I rise to comment on the Charter of Rights and Freedoms since I am not a lawyer. Following someone like Senator Beaudoin puts me somewhat ill at ease. A few minutes ago Senator Beaudoin talked about what the framers thought they were doing at the time and how it is equally as important as the words in the Charter. My usual response to that comment has been that a Constitution is simply a political document that we have asked lawyers to put in legal language, as opposed to a deeply thought-out legal document, from the legal perspective.

Honourable senators, it was 20 years ago today, some 30 or 40 yards from here, at the centre of Parliament Hill, at the foot of the main steps, following the signing of the Charter by both Her Majesty the Queen and the Prime Minister, that the Prime Minister made a few remarks to the assembled throng who, in the process, were getting soaking wet. Many of you will recall that it was about as miserable an April day as one can have. He made two observations in terms of explaining why we were introducing the Charter: first, to protect minorities from the tyranny of the majority; and, second, to remove the fear of minorities as to what the majority would or, more likely, would not do for them. These were the goals of the Charter.

Honourable senators, I will make some comments in a few minutes to indicate why I think these goals have been reasonably well met, although there is more to do. It is certainly true that Canadians believe they have been met. I never cease to be amazed by the level of support that the Charter gains from Canadians. Recent polls have shown that the numbers still run in the 88 per cent range.

At the time when the Charter was proclaimed and, indeed, if one goes back to the year before that when the federal and provincial governments were fighting continuously over whether or not there would be a Charter, it was interesting to note that in every single province of Canada, including Quebec, 80 per cent or more of the population were in favour of the Charter. That is one reason — and I say this parenthetically — why a number of the premiers were reluctant to have a referendum in which they would be opposing the Charter.

The reality is that the popularity of the Charter at the time of its proclamation and its popularity 20 years later has not abated, nor has the image of the judiciary, in spite of what one hears about judicial activism. The fact is that the support for the judiciary has never been stronger. On any question which essentially asks, "Who do you trust more, judges or politicians, judges or governments, the Supreme Court, provincial legislatures or the federal Parliament?", the support for the judiciary runs well over 70 per cent versus under 30 per cent for the elected people. It is very clear that Canadians are strongly supportive of the Charter and that it has become part of the Canadian identity, the Canadian culture.

I want to point out something that has frustrated me over the years. While we hear all the comments and criticisms about judicial activism and judges taking power that they were not given, et cetera, frankly, nothing could be farther from the truth. First, if you go back to the two observations as to the purpose of the Charter, which are to protect minorities, how else could that be done if judges were not to use power to exercise the protective right?

That notion was clearly present from the beginning, that judges would have the power to do things, to overturn legislation and so on, if that was what was required. That issue was debated ad nauseam in the closed-door meetings of first ministers which took place over the course of the year leading up to the ultimate agreement on November 5, 1981. The issue of whether or not there should be a Charter and the relationship between the courts and elected officials was very clearly debated.

It was interesting that two of the premiers were particularly articulate in arguing against the Charter on the grounds that it would usurp the power that ought to rest with elected officials. These two premiers were Sterling Lyon, the Progressive Conservative Premier of Manitoba, and Allan Blakeney, the NDP Premier of Saskatchewan. They argued the same point from two totally different perspectives.

Premier Sterling Lyon's concern was that the courts would be far too progressive and would have a tendency to give people rights that they were not intended to have. Indeed, just to show you that his mind has not changed much, in a recent interview he is quoted as saying the following:

We weren't just being ill-tempered. It all goes back to a grade school understanding of the hierarchy of power in a

parliamentary system. I said time and time again to the Prime Minister, "You're taking power from Parliament, the representatives of the people, and giving it to nine people. What you are doing is importing an alien appendage into our parliamentary system."

That is a statement Sterling Lyon made in an interview published a week or so ago. Interestingly enough, his big concern was that the courts would be too progressive.

On the other hand, Premier Allan Blakeney of Saskatchewan was concerned that the courts would throw out progressive social legislation. It is often forgotten that, when we signed that agreement on November 5, 1981, the so-called "equality rights" clause was not included. It was not included because Premier Blakeney refused to support it. We wanted to get all nine provinces — clearly we would not get Quebec — and the federal government to agree. The one clause in the Charter that Premier Blakeney objected to, and therefore it was not included in that original signed agreement, was the equality rights clause.

Many of us were almost incredulous at the notion that an NDP premier would oppose equality rights. The reason for his opposition, as he gave it, was that he thought the courts would interpret equality rights far too narrowly. Subsequently, the pressure on him over the following 48 hours was such that he changed his mind, and therefore the equality rights section was included.

In those debates, from both the right and the left, the issue of what power should be given to the court and how the court would exercise that power was hotly debated and clearly articulated by people who had thought through the issues. Therefore, while it is legitimate at this point in time in history to decry the Charter in the sense of the supremacy it has taken away, in some ways, from elected institutions, it is absolutely wrong to criticize the court for in some sense usurping power that no-one ever intended they would have. We absolutely knew at the time the power that they were being given and, indeed, what they have done is exercised that power. While I will totally accept that one may not like the structure of the Charter, it seems to me to be wrong to attack the judges for using power which we knew they were being given.

Let me make an observation about how effective the Charter has been in protecting minority rights. Looking at some of the major decisions over the last several years, one sees the case of the *R. v. Big M Drug Mart Ltd.*, which was essentially a religious freedom case that tossed out the federal Lord's Day Act. I look at the so-called *Morgentaler* decision and the decision of *Vriend v. Alberta* in which Mr. Vriend was fired by a small Christian college in Edmonton. He was prevented from using the Alberta Rights Commission to fight his firing. However, the Supreme Court ultimately read into the Alberta Human Rights Act that gay rights should be on the list of rights that are protected. We have a similar situation in the case of *M. v. H.*, which was in respect of a lesbian couple and whether the rights to alimony and the division of property should apply. Of course, there was the case involving Donald Marshall in which Aboriginal treaty rights were protected.

• (1520)

Honourable senators, we need to ask ourselves whether we really believe that the politicians of the day would have weighed in on those cases to support the minorities. In every case, the minority position was relatively unpopular. For instance, "no Sunday shopping" laws were still popular, and there was no swell of support 15 years ago for gay and lesbian rights. Even today, there is not as much support for Aboriginal rights as many of us believe there should be. If one of the objectives of the Charter was to protect minority rights from the so-called tyranny of the majority, that has been accomplished by examining 10 or 15 of the major cases that the Supreme Court has ruled upon.

The second observation one must make about the Charter is that it is one of those wonderfully classic political compromises that only Canadians seem to be capable of pulling off. At the time, there was real concern about the Charter becoming far too rigidly interpreted, not having enough flexibility and not being able to use the "living tree" view of the world. Section 1 of the Charter states that we have rights, which is what the rest of the Charter says, but those rights must be just and reasonable within the nature of a free and democratic society. In other words, they are not absolute rights or extreme rights; they are rights that have some element of boundaries to them. Therefore, judges are not actually bound by an absolute literal interpretation of the rights because the rights must be taken in the context of section 1.

Early on, the federal government sent lawyers to court to argue that they are not required to take into account the intent of the framers of the document. Parenthetically, it is interesting that people, after the fact and although they had never participated in the negotiations at all, felt that they were able to go to court to state that they clearly understood the intent of the framers of the document. In any event, it was fortunate that the court decided that that is somewhat irrelevant. At any rate, section 1 is part of the Canadian compromise because it does not make the rights absolute; rather, it puts some constraints upon them.

Second, we have the notwithstanding clause, which is interesting because it is effectively the last item agreed to before consensus. When the agreement was announced, the left absolutely decried the notwithstanding clause on the grounds that it would be used repeatedly by all to prevent any real progress and, in effect, take away the real value of the Charter. Many of us involved in the negotiations had a somewhat different view: The political risk to any government that invoked the notwithstanding clause to supersede the power of the Charter would be such that very few governments would be prepared to take that risk. The Charter was so popular that taking away the rights, which is how that would be perceived, would be extremely unpopular. Looking back 20 years, the reality is that that is exactly what happened, except for the Péquiste governments in Quebec that used it routinely as a sign of protest against the Charter. The notwithstanding clause has only been used once on a piece of labour legislation in Saskatchewan, and it was agreed after the fact that it need not have been used at all.

Honourable senators, all of the people who thought that the notwithstanding clause would do away with some of the real benefits of the Charter have been shown to be absolutely wrong. Indeed, I would argue, after 20 years, that the difficulty of any government using the notwithstanding clause is now a virtual political impossibility. I would argue that given those two elements — section 1 and the notwithstanding clause — the

impact of the Charter in that sense has been profound on minority rights and that it has been a classic Canadian compromise.

One hears arguments today that many social and economic rights, such as affordable housing, guaranteed annual income and adequate healthcare, should have been included in the Charter 20 years ago. The reality is that those issues were explicitly discussed and rejected by all of the governments of the day. It was believed that social programs were not part of any legal claim under the Charter and should not be part of any legal claim under the Charter. That issue, just as the issue of whether we should have a Charter at all, was thoroughly discussed.

In light of the work being done by the Standing Senate Committee on Social Affairs, Science and Technology, it is interesting to observe what is happening in the area of health care with respect to the Charter. There are a number of cases working their way through the courts that will ultimately lead to the Supreme Court ruling on the issue of whether reasonable, timely access to health care is a right guaranteed under section 7 of the Charter, which guarantees life, liberty and the security of the person. As an example, one case has already been heard at Trial Division in the province of Quebec, in which an individual in Quebec was not able to obtain a heart bypass in what he regarded as adequate time. Therefore, he travelled to England where he had the procedure done and billed the provincial government, which refused to pay. When the court heard the case, they ordered the provincial government to pay on the grounds that there was a threat to both the individual's life and the security of the person — if one takes good health as part of the security of the person — as a result of the government not providing timely adequate health care given the fact that the government was a monopoly supplier.

In the last report of the Social Affairs Committee entitled "Issues and Options," we asked: Is it just and reasonable that someone should be denied the right to purchase the service if they want to do so? That is the other side of the coin. With Senator Beaudoin's help, the committee had an interesting discussion with some constitutional lawyers, including Senator Beaudoin, on the issue.

The Hon. the Speaker *pro tempore*: Honourable Senator Kirby, I apologize for the interruption, but your time has expired.

Honourable senators, is leave granted to allow Senator Kirby to continue?

Hon. Fernand Robichaud (Deputy Leader of the Government): For one minute.

Senator Kirby: That issue will frequently come before the courts over the next few years.

Honourable senators, I should like to leave you with two thoughts on this issue, both of which stem from the closed-door portion of the meetings of the first ministers, and which have always struck me as most interesting responses to the question about judicial activism and the role of the courts. The first is from the first minister who said the following: "Given how poorly Canadian politicians have performed on occasion with respect to protecting individual rights and freedoms, how can judges possibly do worse? That is an interesting and poignant statement that I have often reflected on over the years."

The second is a statement that was made by Prime Minister Trudeau in those closed-door sessions. He asked one of the premiers opposed to the Charter the following question: "Why shouldn't the minority who is adversely affected be able to call government and legislatures to account in front of the courts?"

Honourable senators, if you reflect on those two questions, you will begin to understand why, certainly in my view, the Charter of Rights is probably the single most significant legislative achievement that Canada has made in my lifetime.

[Translation]

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, it is Wednesday, when we normally endeavour to end the sitting at around 3:30 p.m. in order to allow the committees to sit. Today we find ourselves involved in a very important debate in which a number of senators wish to take part. Some committees will be hearing witnesses.

With leave of the Senate and notwithstanding rule 58.(1)(a), I move:

That the Senate committees scheduled to sit today have power to sit while the Senate is sitting, and that rule 95.(4) be suspended in relation thereto.

The Hon. the Speaker pro tempore: Honourable senators, is leave granted?

Hon. Senators: Agreed.

[English]

Hon. Nicholas W. Taylor: Your Honour, I had a question to ask of Senator Beaudoin, but I could not get your attention.

• (1530)

The Hon. the Speaker pro tempore: I am sorry. Senator Beaudoin's time has expired and so has Senator Kirby's.

Senator Taylor: Your Honour, one leaves the chamber and you will not recognize me to ask a question. It is a short question.

The Hon. the Speaker pro tempore: I am sorry, but I cannot give permission.

Senator Taylor: Can I appeal?

The Hon. the Speaker pro tempore: I will recognize the Honourable Senator Andreychuk.

[Senator Kirby]

Hon. A. Raynell Andreychuk: Honourable senators, I take this opportunity, with respect to the Charter of Rights and Freedoms, not to go into detail about the Charter and its consequences, but rather to take this opportunity to celebrate that the Charter of Rights and Freedoms was, in fact, entrenched in our law.

Twenty years ago, on April 17, 1982, Parliament was witness to an event that was to substantially shape the future of Canada's legal system and, more generally, Canadian society itself. When Her Majesty Queen Elizabeth II signed a proclamation to enact the Constitution Act, 1982, the Canadian Charter of Rights and Freedoms was born.

In celebrating the twentieth anniversary of the Charter, we pay tribute to this fundamental instrument by recognizing that it is important to Canadians and particularly individual Canadians. The people of this country strongly believe in our Charter. We are all no doubt familiar with the recent opinion poll that reveals that three quarters of Canadians believe that individual rights and freedoms are better protected under the Charter than they were before it was enacted. Charter rights are now seen by the majority of Canadians as basic rights from which we cannot stray.

As former Chief Justice Antonio Lamer so aptly expressed at a recent meeting of the Standing Senate Committee on Human Rights: "The Charter has contributed to the elaboration and improvement of the human rights culture that exists in Canada." This observation is bolstered by the support that Canadians give to the Charter. In celebrating its twentieth anniversary, we realize that the Charter is not a static instrument, nor is it the only human rights instrument that is available to Canadians or should be available to Canadians in the future. The scores of Charter-related court decisions that have shaped the Canadian legal landscape over the past two decades are tangible proof of its dynamic nature.

In celebration of the Charter's twentieth anniversary, the Standing Senate Committee on Human Rights held a round table this Monday, April 15, in which distinguished experts shared their ideas concerning the role of Parliament in dealing with the issues of human rights and how the Charter has affected this role. Some very interesting ideas came out of this meeting, and I would commend the minutes of the standing committee to all members of this chamber. If honourable senators wish to know the consequences of Canadians having the Charter for 20 years, I would commend the committee evidence given by these expert witnesses and also the evidence of senators who contributed to this round table. We learned that the Charter is not just a legal document; it resonates throughout Canada with social and political consequences.

Some interesting ideas came out of that meeting. One of the panellists, Professor MacKay, President and Vice-Chancellor of Mount Allison University, observed as follows:

...the dialogue between the courts and legislators on Charter issues has been healthy for producing better legislation.

Our role as parliamentarians and partners in the evolving relationship with the Charter therefore cannot be ignored.

What does the Charter's maturing process hold in store for the future, and in an increasingly borderless world, what effect will globalisation have on the future evolution of the Charter? We can only hazard a guess as to what the answers to such questions may be.

One area that represents a particularly interesting challenge to the evolution of the Charter concerns the Charter and Canada's international obligations. For example, to what extent will the Charter be a tool for implementing Canada's international obligations? The Canadian Charter of Rights and Freedoms represents fundamental values shared by the people of Canada. The challenge for parliamentarians is to intergrate, into their thinking and actions, the culture of human rights in their legislative constituency and public work. That is the challenge of the Charter for the next 20 years.

The courts have set the framework for the Charter of Rights and Freedoms. As former Chief Justice Antonio Lamer said, they dusted off some of the cobwebs still around the Charter and set a framework for us to think about Charter issues.

Honourable senators, the Charter will rest not only with the courts because the it does not speak to the courts alone. It speaks to parliamentarians at both the federal and provincial level. Parliamentarians must take the Charter into account, not after the fact by court analysis, but as a tool before we pass legislation. We must integrate into our work the need to reflect upon what the Charter says about the rights and freedoms of Canadians.

Until parliamentarians take the Charter into account as the essence and the essential fabric of our work, the Charter will not resonate fully with Canadians. Therefore, I look to this chamber to follow the work of the Standing Senate Committee on Human Rights, where we will elaborate on the role of parliamentarians with respect to human rights. I trust that each and every one of the parliamentarians in this room will contribute positively to the extension of the Charter in the next 20 years.

Hon. Senators: Hear, hear!

[Translation]

Hon. Serge Joyal: Honourable senators, I understand that Senator Jaffer must be absent from the Senate Chamber later and I am prepared to let her use my time.

[English]

Hon. Mobina S. B. Jaffer: Honourable senators, it is my privilege to participate, today, in the special debate on the Canadian Charter of Rights and Freedoms, on the day of its twentieth anniversary since coming into force.

On September 11, 2001, as we watched the second plane strike the South Tower of the World Trade Center on television, our whole nation went into shock. People across the country opened their hearts and their doors to welcome stranded travellers. We all walked in a daze for a few days.

Then there was anger, such anger that anyone who looked like the terrorists was a suspect. In some parts of our community, there was absolute fear of reprisal. Why fear reprisal? In part, there was a revival in the country's memory of the Japanese internment during World War II.

• (1540)

Japanese internment began on December 7, 1941 with the arrests of over 22,000 people of Japanese ethnicity, most of whom made their homes in British Columbia, and the vast majority of whom were naturalized or native-born Canadians. These people were rounded up, arrested without cause and their property seized because of superficial or cultural similarities with the people of Japan. Their fishing boats and homes — their very livelihoods — were taken from them. Perhaps most horribly, Japanese Canadian men were separated from their families and moved across the country, to a prisoner of war camp in Ontario.

It was not until 1949, years after the war had ended and four years after the surrender of Japan, that most of these people were allowed to return to British Columbia. They could not, however, return home, as their property had long since been sold at a fraction of its value.

The question that arises in peoples' minds, especially for those of us who are members of visible minorities, is this: Could people today be rounded up and sent to camps as they were in 1941? The answer is "No."

On April 7, 1982, the Charter became law. The Charter represents the values of Canadians, harnessed and put into words that have been embedded in this country's Constitution. This is significant not only because it gives Canadians a written expression of what this country stands for upon the world stage, but also because it means these values will be respected in all the laws of our land.

Those who have been privileged to serve in this chamber have been greatly aided by the presence and force of the Charter. The need of Canadians to be assured that their government will respect their rights and values, even in the face of great pressure, is well served by the Canadian Charter of Rights and Freedoms.

Under the heading of "Equality Rights" section 15(1) states:

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination...

Furthermore, it gives all Canadians legal rights to life, liberty and security of the person. This prevents Canadians from being subjected to any form of unjustified arbitrary detention, which is exactly what happened to Japanese Canadians, as then Prime Minister Mackenzie King acknowledged in 1944 when he said:

It is a fact that no person of Japanese race born in Canada has ever been charged with any act of sabotage or disloyalty during the years of the war.

[Translation]

Today, we can all stand united as a nation, knowing that, thanks to the Canadian Charter of Rights and Freedoms, a situation such as the internment of the Japanese will never again be repeated.

[English]

Lessons have been learned from that experience, such as the danger of assuming that anyone who looks like our enemy becomes our enemy.

[Translation]

Thus it was that, after September 11, most western democracies moved quickly to adopt more stringent measures to protect themselves against the exceptional risks of world terrorism and to protect their way of life.

[English]

Canada was no exception, and Canada's Anti-Terrorism Act — then known as Bill C-36 — was drafted to respond effectively to the problem of international terrorism and the related security concerns. Great pains were taken in the drafting of Canada's Anti-Terrorism Act, and again in ensuing debate on the bill, to ensure that Canadian ethnic groups were not victimized as Japanese Canadians were. Our Prime Minister attended many gatherings, including a mosque, to reassure all Canadians.

Canadians respect the values of harmony and multiculturalism and have learned to give space to multicultural communities, in which they are free to practice their religious beliefs without discrimination. Canadians therefore need assurances that what happened to the Japanese people of this country during the Second World War cannot be repeated. The Charter of Rights and Freedoms ensures this will never happen again. Canadians from all walks of life today can celebrate because the Charter of Rights and Freedoms has strengthened our country. We can all work and play without fear.

Today, we have much to celebrate because of the Charter of Rights and Freedoms in our great country. As a result of the rights and freedoms today, minorities are very much a fabric of our country. We are all citizens of our great country. I thank those who had the vision and strength to create the Charter of Rights and Freedoms and the fortitude to have it proclaimed law on April 17, 1982.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I wish to participate in this debate on the Charter of Rights and Freedoms. It is important not to hesitate to pose questions as to what the Charter is and is not. First, today is not the twentieth anniversary of the coming into force of all sections of the Charter. As honourable senators know, section 15, alluded to by the honourable senator who spoke before me, has been in force and effect under the Constitution for only 17 years.

Reference made by other honourable senators to section 33, the notwithstanding provision, and also section 1, raises for me what I consider to be a fundamental failing of the Government of Canada and, indeed, the government of many of the provinces as well. This is not a federal statute that we are dealing with, nor a provincial statute, but rather a Constitutional instrument. The failing that I speak of in relationship to those two particular sections, section 1 and section 33 — more particularly section 33 — is the failure in Canada to provide adequate public education on the content of our Charter, what it is and what it is not.

The point needs to be underscored — and Senator Kirby alluded to it in his remarks — that the happy fact of history is that so few governments across Canada have used section 33 of the Charter, the notwithstanding clause, and the reticence by governments, legislatures or Parliament to use that section lies in the fact that the public would not stand for it. We are secure in the knowledge our Charter rights will not be abrogated by provinces passing laws invoking section 33 because the public would respond negatively to those legislatures. However, the government will not receive any response if the Canadian public is not aware of the content of the substantive rights that are in the Charter and of the fact that legislatures can pass laws invoking the Charter. Unless one is a Cartesian and believes we are born with innate ideas, one has to ask where would we learn about the real nature of our Charter. That will be in our formal educational system as well as the informal educational system, through trade unions and other civic organizations across the land.

I believe active Canadian citizenship is terribly important in the system of governance that we have, and our system does have an enviable record, notwithstanding many blemishes. It is necessary that we ensure that the Canadian public understands our Charter values and understands that unique provisions such as section 33 and section 1 can override them.

• (1550)

With reference to section 1, I draw the attention of honourable senators to another weakness in our Charter, a weakness which is seen so glaringly when we compare our constitutional Charter of Rights with the standard that we Canadians adopted when, with the written consent of every jurisdiction in Canada, Canada ratified the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. That occurred in 1967, with the written consent of every government in Canada in response to the request of then Prime Minister Pearson.

During the constitutional preparation years in the late 1970s and early 1980s, I often wondered why we were unsuccessful in getting across the point that there was a common agreement and common standard, agreed to by all the jurisdictions, in those two international covenants which have force and effect in terms of international treaty law for Canadians. Indeed, Canadians individually and collectively have utilized provisions of the international covenants.

[Senator Jaffer]

Reference was made by Senator Beaudoin to the *Lovelace* case where, under the optional protocol, an individual communication was filed, one in which I had a hand in the drafting, to the United Nations because of a section 12(1)(b) of the Indian Act which discriminated against Indian women. As we all recall, that case had a direct tie to the case of *Bedard* and *Laval*, who attempted to achieve Indian rights for Indian women by going to the Supreme Court of Canada and utilizing the then 1960 Canadian Bill of Rights. The Supreme Court of Canada decided, in a five to four decision, with the then chief justice writing the minority opinion, that section 12(1)(b) of the Indian Act was fine because that was what Parliament had decided to do.

The *Lovelace* case had a tremendous impact on the drafting of our Charter. Indeed, I recall Sandra Lovelace accompanying a small delegation from New Brunswick, of which I was a part, to appear before our colleague Senator Joyal who was a co-chair, along with the father of our honourable Speaker, Senator Harry Hays, of the joint committee of the House of Commons and the Senate that heard evidence on the then proposed Charter of Rights and Freedoms.

I wish to make a point about the international standard which, frankly, honourable senators, is far superior, in my opinion, to the standard of human rights provided for in our Charter. One example is that even in times of national emergency, when the life of a nation is threatened, there is no derogation from certain human rights. In our Charter, however, in times of national emergency, as we saw with the anti-terrorism bill, there are circumstances when, in the interest of the security of the nation, certain rights can be abrogated. It was argued by the Minister of Justice and the proponents of the bill that it was satisfactory that it did not offend the Charter. It might not offend the Charter, but it would offend the higher standard found in the international covenants.

In addition to that weakness in our Charter, there is the weakness in some of the areas that are not covered. There was a great concern at the time, and in some quarters there continues to be to this day, that property rights are not a constituent, articulated right in our constitutional Charter.

Honourable senators, who have spoken before me, have drawn our attention to the whole area of economic, social and cultural rights. I am one of those who support the view that we should find a way in which to entrench a charter of Canadian social rights. The intellectual philosophy of Canadian values that the Charter presents us provides the foundation upon which, perhaps one day, there could be an amendment to the Charter of Rights and Freedoms that would include an economic, social and cultural rights code or bill.

One argument that is advanced against having a social charter is that those rights cannot be made justiciable, such as, for example, the right to education. You cannot take such a case to court. There is a whole array of economic, social and cultural rights to which we are bound under international human rights law and to which we could very well be bound if they were put in our Constitution. That is where the role of Parliament would, without doubt, be primordial in determining the effectiveness of the manner in which Canadians would enjoy economic, social and cultural rights.

I see a tremendous opportunity for Parliament to become more involved in the promotion and protection of human rights through the growth of the Charter and, hopefully, the growth that will lead to constitutional amendments to make more explicit economic, social and cultural rights. I believe that is where the human rights agenda of the next decade lies. However, I also believe that those who are not at all offended by having a dynamic judiciary — because the judiciary is a tremendously important institution for the promotion and protection of rights — will look to Parliament and legislatures as tremendously important institutions for the promotion and protection of rights. Hopefully, Parliament will become more dynamic as a defender and promoter of human rights. I have always been very satisfied with the manner in which colleagues in this house have examined legislative proposals and tested those proposals against our Charter values. Although we have our intense debates across the aisle, I have been impressed with the sobriety with which all honourable senators bring their Charter analysis to a bill that is before the house at any given time.

I am glad we have the Canadian Charter of Rights and Freedoms in the heart of our Constitution, as Senator Beaudoin put it. I hope that all governments will become more proactive in facilitating civil society and the education system in making the values of the Charter better known, because of the important role that that knowledge plays in holding in abeyance any attempt by governments to use the notwithstanding clause.

With those reflections, honourable senators, I am happy to participate in this debate.

[Translation]

Senator Joyal: Honourable senators, twenty years ago today, Canada became a sovereign country. Twenty years ago today, Canada became a country whose basic tenet would be to recognize and guarantee the same measure of freedom for every individual, regardless of origin, race, language, differences. But this new sovereignty would first serve individuals. The winners of this initiative twenty years ago would be Canadians themselves. The birth of a new Canada would fundamentally alter the kind of society that we were going to be called upon to build in the future. This peaceful and humanist revolution did not come about by chance.

• (1600)

It came about, I recall, following the Quebec referendum of May 20, 1980, and the initiative taken by Prime Minister Trudeau to patriate the Canadian Constitution, enshrining a Charter of Rights and Freedoms in it.

Canadians were right. Twenty years later, the Canadian Charter of Rights and Freedoms has become the founding document of modern-day Canada. So much so that we wonder how we could live without the protection of rights and freedoms that are guaranteed in the Canadian Charter of Rights and Freedoms. What would be of the recognition of aboriginal peoples, the Métis in particular, if they did not have the protection of their treaty and ancestral rights granted under section 45? What would be of the equality of men and women today, were it not for the guarantee contained in section 28? And what would be the situation of the rights of Anglophone and Francophone minorities to live and grow in their own language, and to run their own schools? Yes, honourable senators, Canadians were right. They saw in the Charter the essential element of what it means to be Canadian. The Charter has made a difference in Canada. There is a direct link between the effectiveness of this Charter and the responsibility of the highest courts in the land to ensure that it is respected and that wrongs be righted in cases where the Charter has been violated.

Take the bold ruling by the Supreme Court in the case regarding official languages in Manitoba, a ruling that invalidated all Manitoba statutes since 1890. Canadians were right. Because of the fact that the courts have the ultimate power and responsibility to ensure that their rights are respected effectively, Canadians value the Charter and recognize its real value.

Quebecers, as much as other Canadians, have come to see the Charter and the courts as their best defence against the excesses of politicians, who are always influenced by the majority view at any given time.

[English]

The Charter, as was said earlier, is a living tree. That expression was taken from the judgment of Justice Dickson in one of the first cases interpreting the Charter, the *Hunter v. Southam* case in Manitoba. Justice Dickson restated essentially that which Viscount Sankey had said in 1929, when he interpreted the famous *Persons* case.

What did Viscount Sankey say? He said:

The British North America Act planted in Canada a living tree capable of growth and expansion within its natural limits.

Those are the same words used by Justice Dickson in 1985, in one of the first Charter cases in Manitoba. Senator Stratton certainly remembers the famous case of *Hunter vs. Southam*. Justice Dickson said that our Charter is a living tree. Being a living tree, it is capable of growth and expansion within its natural limit. In other words, the Charter is essentially the expression of our own rights that live and grow in a country that fundamentally allows a culture of rights.

We as Canadians are just at the beginning of a human adventure that is unique because it is based on the respect of the dignity of every person, not because that person is a Canadian citizen. This differentiates us fundamentally from the American Bill of Rights that has been quoted here. Americans are protected because they are American, because they belong to a country. Canadians are protected not because they belong to a country but because they are human beings.

Honourable senators, this is a very fundamental difference between our two countries. That is why we are described as being a humanist society in Canada. Over and above any political distinction of nationality, our first recognition are the rights and freedoms of a person. This is the living tree that Justice Dickson described in 1985.

Honourable senators will understand that when many of us start thinking and reflecting upon the Charter and the patriation adventure, many memorable souvenirs are brought back in our memory. I remember very well Senator Arthur Tremblay and the late Senator Maurice Lamontagne, who along with Senator Austin sat for more than 300 hours for a total number of 106 meetings, always under television spotlights, listening to more than 314 witnesses. Among them were premiers of four provinces and the two territories and an array of representatives of Canadians coming from all over the country. The most compelling witnesses were representatives of the Aboriginal people of Canada.

Honourable senators, it was the first time in Canadian history that Aboriginal people were present as witnesses in front of the Canadian Parliament. It was the first time that we had received representatives of the Inuit people and from the Indian treaty groups.

For the first time, we received representatives of Indian people who had never been recognized in Canada — the Metis people. They had not been recognized as Indian or as descendants of Indo-European people either. They fell in between, into a kind of no man's land with no rights. Today, we have among us, a representative of the Metis people. We would never think that the Metis people should not be considered as full participants in the great adventure of defining Aboriginal rights.

We received a representative of the National Action Committee on the Status Of Women, coming to plead to get the recognition that, as Senator Beaudoin said, is one of the best in the world for the recognition of the status of the equality of women.

Honourable senators, we spent 300 hours in meetings almost cloistered like Trappists in a monastery. We came out of that marathon session with 58 amendments to the original draft of the Charter, including amendments recognizing the treaty rights of the Aboriginal people and the Metis, and the equality of status of men and women over and above everything in our country. The amendments recognized fundamentally all those minorities that had been excluded in our history.

The Jewish people who had been barred from immigrating to Canada during the last world war were recognized. The descendants of the 20,000 Japanese people — 75 per cent of whom were born in Canada — who were interned in the concentration camps during the last world war, were recognized.

[Senator Joyal]

Those Canadians came to tell us that if we were thinking of establishing the basis of a more respectable society for rights and freedoms, think of those who have been left aside during the course of our centennial history.

• (1610)

When we reflect upon that initiative, it is a living adventure for which we do not see the boundaries. The Quebec government of the day did not sign the patriation package, as we called it at the time. There is not a single Quebecer or single Canadian who does not have to question himself or herself about the outcome of that. It was not because the patriation package was devised against the province and singularly against Quebec. In fact, the package, 20 years ago, contained many provisions to address specific concerns expressed by Quebecers.

The provisions of the Constitution provided that if there were to be any constitutional amendment to education and culture — that, of course, being of specific interest to Quebec — the Quebec government would be financially compensated.

There was recognition of the full control of the provinces over natural resources. If there is a province where natural resources and, singularly, energy is of paramount importance, it is in Quebec.

There was in the same package the recognition that three Quebec judges would be appointed to the Supreme Court of Canada and would be entrenched forever, without the capacity for a federal government to amend the Supreme Court Act. The package gave to Quebec a veto on the three judges of the Supreme Court.

There was in the same package recognition of linguistic rights and the Canada clause — that is, the right of a person who has been educated in English in Canada to be educated in English and in French and the privilege given to the Quebec government to expand, when it so wishes, to other groups at the moment that the Quebec society feels secure enough to move in that direction.

There were provisions in the package to constitutionally entrench the equalization payments, the obligation that the federal government has to pay the provinces, those who do not have a comparable level of resources, to match the richest province. Certainly Quebec profited from that. Indeed, 48.5 per cent of the equalization payments are given to the Quebec government, which represented more than \$5 billion last year. Many provisions in the original package were devised to address specifically the Quebec government's concerns.

History tells us that for political reasons the Quebec government and, very legitimately, some members of the National Assembly and some members of the Liberal Party of Quebec thought that the package should not have proceeded. It is always the same problem: You are damned if you do and damned if you do not.

Honourable senators, there must be a starting point whereby the legitimate request of the Quebec government, which is to maintain its capacity to protect the language and to protect the specific need that the province has in maintaining its identity, should be addressed.

Honourable senators, this is what is left on the drafting table.

The Hon. the Speaker *pro tempore*: Honourable Senator Joyal, I am sorry to interrupt, but your time has elapsed.

Is leave granted?

Hon. Senators: Agreed.

Senator Joyal: Thank you, honourable senators. I will be brief.

The second challenge deals with judicial activism, which seems to be a buzzword today. When there is a decision that is not liked by a majority of public opinion, it is seen as judicial activism. I think that politicians in Canada have a responsibility. When a decision of the court specifically raises an issue that is not popular among the majority, the government must seek redress of that wrongdoing.

Some provincial governments adopt remedial legislation, but they like to title the legislation "An Act to Amend Certain Statutes" as a result of the Supreme Court of Canada decision in *M. v. H.* In other words, governments shift the responsibility of unpopular decisions to the realm of the Supreme Court. There are situations that have to be addressed by politicians, and there is the fact that we seem still to wrestle with constitutional reform in Canada. Since we are in a position of not addressing, on a constitutional basis, the rights of the Aboriginal people, it is the court that defines, through various groups of cases, one case after the other, what is meant by self-government.

The fact is that we seem unable to assume our responsibility, to give way to the growth, to the living tree that is the Charter. In the case of the Aboriginal people, that responsibility has been left to the courts. Then, when the courts define the right, we say, "Well, that is judicial activism." I feel that judicial activism is our own responsibility when we study legislation. Honourable senators know very well that for every piece of legislation that comes in front of this house, which is the house responsible for the federal principle and for balancing minority and linguistic rights, we have a special duty to test that legislation to the scale of the Charter of Rights and Freedoms and to the scale of other rights included in the other instruments that have been mentioned during our debate today. This is one of the other challenges that we will have to address on a daily basis, especially on this day, when we celebrate the full sovereignty of Canada and the rights and freedoms of each and every Canadian.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, it is quite appropriate that I should be speaking after Senator Joyal, because two issues were raised and I intend to discuss them.

First, he raised the issue of why Quebec did not ratify the agreement and, second, he raised the issue of activism. Former Chief Justice of the Supreme Court, Antonio Lamer, talked about the dynamism of the courts. I would rather use the expression "active constitutional democracy."

Why did Quebec decide not to ratify the agreement? To find the answer to this question, we must look at the whole history of Canada. Remember that, in 1763, the King made concessions to the French majority. He did so for very pragmatic and reasonable reasons, since there were 60,000 Francophones and a British English minority of about 4,000.

It is obvious that the King and the military governor did not wish to continue hostilities. In 1763, the war in Europe had already been over for three years. It is very costly to be at war, and resuming hostilities was out of the question. Therefore, Canada would live in peace. How? By granting rights to its Francophone majority. These rights were recognized in the Royal Proclamation, 1763, and then the Quebec Act, 1774.

• (1620)

What are these rights? The rights to teach in French, to practice Catholicism and to use the civil law. At the time, it was not called the Napoleonic Code but, as was the custom in Paris, it was known as French civil law. British authorities maintained all that was required to ensure the respect of the traditional rights of the Francophone majority, because they recognized that it would be impossible to give satisfaction to this majority without recognizing these rights.

These rights were recognized from the moment there was a British government on Canadian soil. They were recognized throughout the constitutional history of Canada, and therefore of Quebec.

Quebecers are not at all opposed to the existence of a Charter. Quebec has had a Charter of Rights since 1974. We had a Charter eight years before Canada did. Quebec was not the first. Other provincial governments adopted their own. Quebecers and the governments of Quebec support a Charter of Rights. This is not an argument. French-speaking Quebecers have collective rights, which were recognized by the British Kings. These collective rights have been maintained in the various constitutional documents. When the constitutional amendment of 1982 was introduced, we were not against the existence of these individual rights recognized in the Charters, but we wanted recognition of our collective rights, a co-existence of these collective and individual rights. That is why the successive governments of Quebec have been in agreement. Unless I can be shown that my collective rights no longer exist, I will always be in agreement, as will many Quebecers and the 24 senators from Quebec in this Chamber. Our collective rights must be recognized in any constitutional document when we also recognize Quebecers' individual rights. I would risk this interpretation. I think that it echoes that of many Quebecers.

The issue of constitutional democracy may surprise some. One of the important achievements of this constitutional amendment was to propel Canada into a new era of constitutional democracy.

There will always be a need for arbitration when it comes to the rights recognized by these documents. In Canada, we have managed to maintain an independent system of arbitration. This is an achievement we should treasure. The Canadian judicial framework is held up worldwide as a model. This arbitration is necessary.

In the years since 1982, certain constitutional experts, and we have mentioned them here, have come up with this dialogue theory. Since we now live in a constitutional democracy,

Parliament no longer has the last word. Nobody has the last word. If Parliament wants to have the last word, it must use section 33, the notwithstanding clause.

Senator Kirby explained to us why Parliaments have always been very reluctant to use the notwithstanding clause. By the way, it is important to set Senator Kirby straight. Quebec has already used the notwithstanding clause, not just Saskatchewan.

No one has the last word. The courts arbitrate, interpret, react between the lines. Often constitutional law has nothing to say or do. The courts go beyond interpretation and often establish the law. This power to interpret, to go beyond interpretation, even to establish law, has been recognized in connection with the Canadian judiciary structure.

As for Parliament's part in this dialogue, it follows the recommendations of the courts, or it does not. If it decides not to, it can use the notwithstanding clause and exclude itself from the arbitration for reasons of its own and decide not to follow the dialogue on this.

Since 1982, Canada has created its own birth certificate, as Senator Joyal has said. Setting aside my opinion and that of a number of Quebecers on the co-existence of our collective and individual rights as recognized by the Charter, I acknowledge that the constitutional amendment of 1982 comprises some very positive elements for the future of Canada.

Some might still ask: what was our situation prior to that as far as fundamental rights are concerned? My mentor, Senator Beaudoin, has spoken at some length of the quasi-constitutional instruments that went before, the various items of case law from the Supreme Court, which, when necessary, created a whole fabric of principles of law which ensured that Canadians did not lack fundamental rights prior to 1982.

However, since 1982, Canada has benefited from a highly pertinent constitutional text, one with a decidedly Canadian flavour to it. Some may say that our constitutional instrument are not very air-tight. I feel they meet our needs. In my opinion the past 20 years have been a marked improvement, and augur well for the future.

[English]

Hon. Lorna Milne: Honourable senators, I am pleased, but frankly a little nervous, to rise today to log the twentieth anniversary of one of Canada's most important democratic achievements — our Charter of Rights and Freedoms. In 1982, I was standing soaking wet at the back of the crowd when the Charter was signed by the Queen and by Mr. Trudeau, and I am still at the back of the crowd, after such a knowledgeable group of speakers today on the issue.

Today, 20 years after the advent of the Charter and eighteen months after Mr. Trudeau's passing, we can confidently say that the Canadian Charter of Rights and Freedoms is an achievement that truly defines us as Canadians.

• (1630)

The success of the Charter is rooted in the fact that it is an active, living document that has real impact on the day-to-day lives of Canadians and their relationship with their government. Certainly, as Senator Beaudoin pointed out, we had the Bill of Rights for over 20 years before Charter was put into place, but since that law was not rooted as part of our Constitution, its influence was not significant. Nothing of the sort could be said about the Charter of Rights and Freedoms.

It has often been said that the measure of a democracy is not how well it responds to the wishes to have majority, but how it treats the interests of the minorities. Time and time over the last 20 years, Canadians have used the Charter in our courts to break down the walls of discrimination, exclusion, mistreatment and stereotyping. Canadians know full well that they have rights that are enforceable, have real meaning and cannot be usurped on the whim of some government. In a world where dictatorships, money and fear still rule increasing dozens of countries and billions of people, that is a noble achievement.

The strength of the Charter is rooted in the fact that ordinary people can crash through the most immense barriers to create social change. It has created changes that have become so firmly rooted in our society that we almost forget how things used to be. If you do not believe me, just look at three ordinary people who have made extraordinary contributions to Canadian society because they chose to stand up for their Charter rights: Justine Blaney, Harbhajan Singh and Robin Eldridge.

All Justine Blaney ever wanted to do was play hockey as well as she possibly could. She could skate rings around all the girls in her age group in the early 1980s. If she were a boy, everyone would have been calling her the next Wayne Gretzky. However, the Ontario Hockey Association did not approve of her playing for a local boys' team. No one doubted she was good enough, but the OHA had a rule that stated that only boys could play on boys' teams. The Ontario Human Rights Commission was not much help because the Ontario Human Rights Code at the time allowed for discrimination on the basis of sex when it came to sports.

With nowhere else to go, Ms Blaney turned to the Charter for protection. In 1986, the Ontario Court of Appeal agreed that it was discriminatory for the OHA to prevent her from playing on a boys' team.

You can trace the recent success of Canada's women's hockey team back to that single case. Can you image where women's hockey would be today if women could not compete with men in those early years to build their skills? Would we be seeing women's hockey at the Olympic Games if it were not for Justine Blaney? Would we all have had a chance to rejoice in seeing our women with gold medals around their necks in Salt Lake City this past winter if it were not for Justine Blaney and the protection the Charter gave her? I think not.

What was novel and widely frowned upon in 1986 has turned into a moment of national joy only 16 years later. I should add that four of those young female athletes who were playing hockey down in Salt Lake City are members of my Brampton home team.

Harbhajan Singh wanted to make Canada his home. In 1984, he left his home in India because he believed he was being persecuted for his political beliefs. He wanted to start a new life in Canada.

When he arrived here, Canadian authorities denied his claim of refugee status. The procedure at the time did not allow Mr. Singh to hear the government's reasons as to why they decided he was not a refugee, nor was he allowed to present his case.

The Charter guarantees that all who deal with Canada's government will be afforded Charter protection. As a result, the court ordered that Mr. Singh be treated with proper respect and that he have a full and fair hearing of the matter. The court refused to allow our government to act arbitrarily with one set of laws for Canadians and another for non-Canadians.

Canadians understand that all human beings deserve human rights, including legal rights, and the Charter protects one and all. That is one of its many great strengths.

Finally, I want to talk to you about Robin Eldridge. Ms Eldridge was born deaf, and she suffers from a number of medical conditions, including diabetes. In order to keep on top of her health, Ms Eldridge saw her doctors on a regular basis. Her doctors, however, did not understand sign language. Ms Eldridge asked the government of B.C. to pay for an interpreter to go with her to the doctor in order to ensure that the doctor understood what she needed to tell him, and that she understood the doctor's orders. The B.C. government said no, it was too expensive.

Once again an ordinary Canadian, Robin Eldridge, found protection in our Charter of Rights and Freedoms. Ms Eldridge argued that since the government was providing health care to all of its citizens, it has an obligation under the Charter to provide it equally to her. This meant that the government should provide an interpreter for her visits and cover it under the health insurance plan.

The Supreme Court found that the government does have an obligation not only to pass laws that are constitutional, but also to act constitutionally in all of its dealings with Canadians. The B.C. health act was not unconstitutional, but that was not relevant. The mere fact that a government treated a person with a disability unfairly was more than enough reason to trigger Charter protection.

Honourable senators, I am very proud of Justine Blaney, Harbhajan Singh and Robin Eldridge, three ordinary people, all of whom fought for their rights and won because of our Charter. They are just three of thousands of ordinary Canadians who have won battles because of this charter.

Each time new ground is broken because of Charter rights, I believe Canada becomes stronger. Each time a government thinks twice because of the Charter, Canada becomes stronger.

However, the Charter does not supersede the Indian Act. The Charter is a living document, but it still does not protect all Canadians, so it still has some severe challenges ahead.

Long may our Charter live and thrive. We should be very proud of this Charter of Rights and Freedoms, and may it rise to the challenge of the future.

[Translation]

Hon. Lise Bacon: Honourable senators, I feel compelled to speak today after having heard the speeches made by Senators Joyal and Nolin. Senator Nolin set some things straight, and I would like to set some others straight as well.

On this day, as we celebrate the twentieth anniversary of the Charter of Rights and Freedoms, I am concerned to hear people making value judgments without knowing all of the details of the discussions that took place. Heaven knows I am the only one here now to have lived through those difficult and painful discussions. Unfortunately, I cannot tell you what transpired in caucus. Federal officials may have heard 300 hours of evidence, but I can assure you that the hours spent in the Liberal caucus of Quebec at the time where difficult, even agonizing hours. I do not like it when people make value judgments without having been present for those discussions, or taken part in them.

What happened then can easily be summed up: the survival of the Quebec Liberal Party was at stake. Discussions were so intense that there would not have been a Quebec Liberal Party after the discussions and the vote. Difficult and painful decisions had to be made. Some of us accepted, others did not.

I would ask Senator Joyal to read the speeches made at the time, particularly mine. This will explain many facts and might alter his views. Judgments are often made here on Quebecers without any knowledge of what is going on and what went on. It might be appropriate to look at what was said and done.

• (1640)

I should add that I came to celebrate the Canadian Charter of Rights and Freedoms on Parliament Hill with some of my colleagues, at the risk of being repudiated by the leader of the party at the time. I want to remind my colleague, Senator Joyal, of this, and I thank Senator Nolin for setting the record straight.

[English]

The Hon. the Speaker *pro tempore*: Honourable senators, it was moved by the Honourable Senator Carstairs, seconded by the Honourable Senator Robichaud, that the Senate take note of the twentieth anniversary of the Charter of Rights and Freedoms.

Is it your pleasure, honourable senators, to adopt the motion?

Hon Senators: Agreed.

Motion agreed to.

[Earlier]

VISITOR IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, please join me in welcoming one of our Canadian heroes who is in the chamber today with Senator Mahovlich, Mr. Paul Henderson.

Welcome to the Senate, Mr. Henderson.

[Translation]

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I believe that if we were to seek it, leave would be granted to have all the items on the Order Paper that have not been dealt with stand in their place. I move that the Senate do now adjourn.

The Senate adjourned until Thursday, April 18, 2002 at 1:30 p.m.

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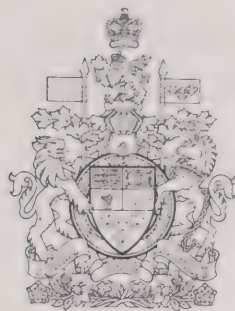
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Thursday, April 18, 2002



THE HONOURABLE DANIEL HAYS
SPEAKER

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THE SENATE

Thursday, April 18, 2002

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

NATIONAL DEFENCE

AFGHANISTAN—DEATHS OF FOUR SOLDIERS

The Hon. the Speaker: Honourable senators, it is with great sadness that we learned overnight that four Canadian soldiers have been killed and eight more injured in a combat mission in Afghanistan.

[Translation]

Honourable senators, I would ask you to rise and observe one minute of silence in their memory, after which the Leader of the Government and the Leader of the Opposition will deliver their remarks. We will then move on to Senators' Statements.

Honourable senators then stood in silent tribute.

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I believe I speak for all honourable senators when I state that we are greatly saddened to hear of the deaths, yesterday, of four Canadian soldiers in Afghanistan. In addition to the four soldiers killed, there are eight more wounded, two in life-threatening condition and a third in very serious condition.

This terrible tragedy is hard to understand, whatever the reasons, but especially so since this particular incident is surrounded by many questions that have yet to be resolved.

As honourable senators may know, President Bush has spoken with our Prime Minister and offered his condolences and those of the American people, as well as their complete cooperation in the ensuing investigation.

I should like to offer our sympathies and support to all members of the Third Battalion, Princess Patricia's Canadian Light Infantry, the PPCLI. They, together with other Canadian troops, have been credited with saving lives in their current mission in Afghanistan. Canadians are justifiably proud of the men and women in our military and of the heroic service they provide to our country and to regions in the world which have needed their assistance.

This kind of tragedy is beyond words, but our sorrow cannot compare to the sadness of the families of these soldiers. Our hearts go out to them and to the eight soldiers who are struggling to recover from the injuries they have received. They are in our thoughts and prayers. We wish those who are struggling at the present time to recover from their injuries. To their families, we send our heartfelt wishes for a speedy recovery.

Hon. J. Michael Forrestall: Honourable senators, may I at once join with the Leader of the Government in the Senate in extending, to the families of the victims of the tragic accident last evening in Afghanistan, our personal and collective condolences. I should like to extend our well wishes to the brave eight fellow soldiers who were injured in the accidental bombing.

This is a very solemn occasion, honourable senators. It marks the first time there has been loss of Canadian life to combat operations since the Korean War.

We have much to thank God for. We have much to ask him. Many questions, as the Honourable Senator Carstairs has said, will have to be asked. There must be full disclosure of what happened on the ground outside Kandahar, but that will come later.

We, the living, have responsibilities to the soldiers we deploy in the name of Her Majesty the Queen and of Canada. At times like these we are, perhaps, at a loss for words. We have a lot to be concerned and to be thoughtful about.

It is at times like these that we must reach into our faith to understand. I was told once that the psalm from which I am about to quote, Psalm 46, was written for a soldier. I wish to quote from verses 9-11.

He maketh wars to cease unto the end of the earth; he breaketh the bow, and cutteth the spear in sunder; he burneth the chariot in the fire.

Be still and know that I am God; I will be exalted among the heathen, I will be exalted in the earth.

The Lord of Hosts is with us; the God of Jacob is our refuge.

• (1340)

Honourable senators, we each have our own faith. In a moment of peace, might I call upon each of you, in your own way, to say a prayer for the souls of the faithfully departed, for the quick mending of the torn bodies of their comrades and, above all, for peace.

SENATORS' STATEMENTS

THE SENATE

OATH OF ALLEGIANCE TAKEN BY
HONOURABLE SENATOR LAVIGNE

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the Honourable Senator Lowell Murray, the day before yesterday and then again yesterday, rose on his concern about an oath that was taken by a new senator in this chamber. In a careful examination of the record, it would appear that he certainly signed the oath as appropriately prescribed by the Constitution, and he gave that oath. However, at the end of that oath, the Honourable Senator Lavigne appears to have added some additional words.

The honourable senator recognizes that those words should not have been added, and he will take a subsequent oath using only the words as directed by our Constitution when he returns to the chamber on Tuesday. It will take place in the clerk's office. He has spoken with our deputy leader and is very happy to do what is appropriate in this case.

Hon. Lowell Murray: Honourable senators, I must thank the Honourable Leader of the Government and the deputy leader for what, I must assume, have been their good offices on this matter. The outcome is entirely satisfactory, as far as I am concerned.

With the consent of the Senate, I wish to withdraw the question of privilege to which I gave notice earlier today.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, would it not be appropriate for the Honourable Senator Murray to attend the swearing-in of the senator to ensure that the directives of this chamber are followed to the letter?

Hon. Fernand Robichaud (Deputy Leader of the Government): As the government leader indicated, the ceremony will take place on Tuesday.

THE HONOURABLE B. ALASDAIR GRAHAM, P.C.

CONGRATULATIONS ON SON DANIEL GRAHAM
BECOMING LEADER OF THE LIBERAL
PARTY OF NOVA SCOTIA

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I rise because I am quite astounded that, to date, none of the Honourable Senator Graham's colleagues, many of whom do not hesitate to engage in self-congratulations, have risen to congratulate him on the occasion of his son Danny's most convincing election victory as Leader of the Nova Scotia Liberal Party, last weekend.

I am pleased to do so and, at the same time, wish Mr. Graham a term, as Leader of the Opposition in his province, at least as long as the one that I am serving here.

[Translation]

INVASION OF TERRITORIES OF
PALESTINIAN AUTHORITY

Hon. Marcel Prud'homme: Honourable senators, the invasion of the territories of the Palestinian Authority by the Israeli army and all the consequences of that action must be of concern to us all today. I find it most disquieting that there is such total silence on our part.

I wonder what has become of the values on which we have patiently constructed Canadian society. Where are the human values we have so ardently defended at various times and various places? Where are the rights of the women, children and refugees we have made an essential element of our policy? Is it possible that we are beginning to lose our souls for considerations that are political in nature? Is it possible that we are in the process of sacrificing our principles and our values on the altar of a so-called balanced political position?

Honourable senators, the situation is alarmingly dramatic. In recent days, the Israeli army has perpetrated the most abominable crimes in Palestine. While maintaining its occupation of the major cities of the West Bank, the Israeli army has summarily executed hundreds of innocent Palestinians and arrested thousands more.

Television showed us incredibly atrocious scenes of what took place in Jenin. The bodies of children, women and elderly people still fill the lanes or lie under the debris of houses that were demolished and levelled. The stench of death is everywhere.

Humanitarian organizations are talking about a real earthquake. This infamy has a name: massacre. In this zone, which is out of bounds for journalists and Red Cross officials, Israeli soldiers have tried to hide their crimes. They followed the example of their Yugoslavian counterparts by digging common graves to bury their Palestinian victims.

At the same time, the humanitarian situation has been deteriorating in all the occupied territories, where Israel has prevented the population from having access to food and care, in violation of the most elementary rules of humanitarian international law. This is the terrible tragedy that is taking place before our eyes and on which we are as silent as lambs, as if we were condoning it.

It has been said that these are self-defence measures, supposedly designed to eradicate terrorism. The disproportionate means used do little to hide Mr. Sharon's strategy to crush and destroy the Palestinian Authority and, in so doing, to renege on the commitments made in Madrid, Oslo and Washington, to which Mr. Sharon has always been firmly hostile.

They even went so far as to call President Arafat a terrorist. Have they forgotten that Mr. Arafat was awarded the Nobel Peace Prize? Such recognition by this prestigious institution irrefutably invalidates this claim. The truth is crystal clear. Mr. Arafat used to have peace partners, namely Mr. Rabin and Mr. Peres, but this is no longer the case with Mr. Sharon, who is known for his aggressiveness, violence and murder. Remember Sabra and Shatilah.

Violence goes together with occupation. Unfortunately, the peace for which people in the region long will not happen, as long as Israel continues to occupy the territories. The Beirut Summit, which endorsed the Saudi initiative, extended a hand to Israel, so that this region could finally enjoy peace, serenity and the return of the occupied territories, in exchange for full normalization of relations. What does the population want?

[English]

VIOLENCE AGAINST JEWS

Hon. Colin Kenny: Honourable senators, two weeks ago this Monday, April 1, vandals spray-painted anti-Israeli messages on the walls of Ottawa's Temple Israel. According to press reports, one of the messages threatened: "All oppressors will die...Murderers." Within a week, additional anti-Semitic incidents were reported to the Ottawa police. These attacks — and they are deliberate attacks — on one of Canada's religious communities are completely unacceptable under any circumstances. The graffiti is intended not to express a point of view or engage in legitimate debate but to intimidate, to frighten and to isolate.

Left unchallenged, these incidents can quickly escalate to other acts of intimidation. From this point, it is only a short step to having individual members of the Jewish community fear that they, or a family member, may be victims of a physical attack.

As Canadians, we have all come here from other parts of the world. Many experienced violence and hatred in their countries of origin. However bitter the divisions and conflicts in our countries of origin, we cannot afford to import them into Canada. We cannot afford to let these foreign conflicts open the way to attacks on our neighbours, on our neighbours' homes or places of worship or on our neighbours' peace of mind. Incidents such as these are an offence and a threat to the values that unite Canadians: the qualities of tolerance, openness to diversity and civility. As a community, we must stand together to support our Jewish members who find themselves under attack by vandals, and worse.

Honourable senators, I hope the residents of Ottawa will show their dismay that these offences took place by doing everything in their power to help the authorities identify and prosecute those who committed them.

THE MEN OF THE DEEPS

Hon. Gerard A. Phalen: Honourable senators, this year marks the thirty-sixth anniversary of one of Cape Breton's most remarkable cultural institutions: The Men of the Deeps chorus. This past fall, I was lucky enough to attend a concert featuring these men and wish to bring, to this chamber's attention, the remarkable accomplishments of the Men of the Deeps.

• (1350)

The Men of the Deeps has become a uniquely Canadian symbol respected wherever they have travelled. These goodwill ambassadors have performed throughout Canada and the United States. You will also note that, as their manager explains, "the men earn no salary whatsoever."

In June 1976, the men experienced the tour of a lifetime. They made an 18-day visit to the People's Republic of China. As Allister MacGillivray wrote in his book, *The Men of the Deeps: The Continuing Saga*, "In a refreshing display of true ambassadorship, the acclaimed chorus won the heart of a country where, for years, isolationism has engendered barriers towards political and cultural relations with the West."

The *Ottawa Journal* reported that the Men of the Deeps' visit to China was "one of the most successful people-to-people exchanges ever."

In 1999, the Men of the Deeps was asked by internationally acclaimed actress Vanessa Redgrave to participate in the three-day music festival in Kosovo. The festival was designed not only to celebrate the return of the Albanian refugees, but also to rejuvenate the cultural and educational communities.

In Kosovo, the chorus was to discover a sad and wartorn region, and there were many apprehensions regarding their safety. Nevertheless, these Canadian cultural ambassadors were a great success and came away with lasting memories of the children of Kosovo. As Big Jim MacLellan said, "One thing that impressed me was the determined spirit of the kids — determined that they were going to survive."

When the Kosovo concerts were over, Ms Redgrave stated that the positive impact caused by the presence of the Men of the Deeps was something she expected might happen, and she was elated.

The Men of the Deeps have received a number of awards in recognition of their contributions. In 1991 the chorus received Nova Scotia's tourism industry's highest accolade, the Ambassador's Award. On May 13, 2000, the University College of Cape Breton presented the entire group with an honorary doctoral degree. I believe it is time that we in this chamber add our voices in recognition to their contributions to Canada.

Honourable senators, in closing, I would like to quote Major-General Scott of the National Defense College after he attended a performance of the Men of the Deeps:

Your group is a national treasure. Your description through song and verse of the joys and hardships of Cape Breton coal mining is a magnificent example of Canadian culture at its very best. The emotions we felt as we listened to you made us proud to be Canadians.

THE LATE HARRY MACLAUGHLAN

TRIBUTE

Hon. Elizabeth Hubley: Honourable senators, it is a truism, but nonetheless the truth, that the greatness of a nation is the greatness of its people. All of us are aware of individuals in our respective provinces whose stature and reputation precedes them, individual Canadians who are larger than life, and who have contributed inordinately to the life of their communities.

Honourable senators, Prince Edward Island lost one of its most distinguished citizens recently, with the passing of the late Harry MacLaughlan. Harry, as countless Islanders knew him, was a legendary and extremely successful businessman whose enterprise and skill was acknowledged and respected throughout Atlantic Canada.

From humble beginnings in the little farming community of Stanhope, he went on to build a remarkable business career in construction, telecommunications, tourism and the retail sector. He always did business with a handshake and was the inspiration and guiding light for young Island entrepreneurs.

Harry MacLaughlan's trademark expression was, "It's a great day!" He just could not understand people who did not have the time for others, for he truly enjoyed people and his friendly and always positive disposition was legendary.

Mr. MacLaughlan was a man rooted in family and community. Throughout his lifetime he never strayed very far from the little north shore village of Stanhope, that he loved so much.

Honourable senators, there are legions of Harry MacLaughlin stories. One of my personal favourites is the story of Harry's appearance before the CRTC in search of a licence for his cable television company. The regulatory board was taken aback, I believe, by his direct approach. The board also seemed to be a bit concerned about his educational background and business credentials.

"What is your educational background?" asked one of the commissioners.

"Well," said Harry, "I went to grade 8 in the Stanhope school, then I bought it when it closed down and moved it up the road to my place. I run a little store out of it in the summertime for the tourists!"

Harry recognized not only the value of schooling, honourable senators, but also the value of the school itself.

Harry MacLaughlan had a large impact on his province as a businessman and entrepreneur, but he also contributed greatly in other ways. He was a volunteer fundraiser for the Queen Elizabeth Hospital and many charitable organizations. He was the principal backer and most influential member of the Liberal Party of Prince Edward Island. He gave wise counsel, at times unsolicited, to several Liberal premiers of Prince Edward Island.

Honourable senators, I invite you to join me in expressing our sympathy to the MacLaughlan family and to this great Islander's many friends and colleagues.

[Translation]

ROUTINE PROCEEDINGS

OFFICIAL LANGUAGES

EIGHTH REPORT OF COMMITTEE TABLED

Hon. Shirley Maheu: Honourable senators, I have the honour to table the eighth report of the Standing Joint Committee on Official Languages concerning its consultation of the English and French linguistic minority communities in Canada regarding the action plan of the minister responsible for co-ordinating issues related to official languages.

On motion of Senator Maheu, pursuant to rule 97(3), report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

STUDY ON STATE OF HEALTH CARE SYSTEM

INTERIM REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE TABLED

Hon. Michael Kirby: Honourable senators, pursuant to the Order of the Senate adopted on Thursday, March 1, 2001, I have the pleasure to inform the Senate that this morning, Thursday, April 18, 2002, the Seventeenth Report of the Standing Senate Committee on Social Affairs, Science and Technology was deposited with the Clerk of the Senate. The report is an interim report on the study on the state of the health care system in Canada entitled: "Volume 5, Principals and Recommendations, Part I.

Honourable senators, pursuant to rule 97(3), I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Lowell Murray: Honourable senators, perhaps I have missed something.

The Hon. the Speaker: Honourable senators, we are now on a nondebatable motion. However, with leave, the honourable senator would be permitted to ask a question. Is that your wish, Senator Murray?

Senator Murray: Yes.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Murray: Honourable senators, I would like to know under which rubric the honourable senator tabled the report of this committee with the Clerk this morning, a day on which the Senate is sitting.

Senator Kirby: I am not sure what the honourable senator means by the word "rubric." We had authority under the order passed by the Senate some time ago to table the report with the Clerk of the Senate. As I understand it, both caucuses had agreed that, given the benefit of media interest in the subject, we would table the report this morning, while there was live press coverage.

• (1400)

On motion of Senator Kirby, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Nicholas W. Taylor: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That, with leave of the Senate and notwithstanding rule 58(1)(a), the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to sit at 1 p.m. on Wednesday, April 24, 2002, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is the honourable senator requesting leave?

Senator Taylor: No, it is a notice of motion.

NATIONAL SECURITY AND DEFENCE

REPORT ON SURVEY OF MAJOR SECURITY AND DEFENCE ISSUES—NOTICE OF MOTION FOR GOVERNMENT RESPONSE

Hon. Colin Kenny: Honourable Senators, I give notice that, on Wednesday, April 17, 2002, I shall move:

That, within 150 days following the February 28, 2002, tabling of the report of the Standing Senate Committee on National Security and Defence entitled *Canadian Security and Military Preparedness*, the Leader of the Government shall provide the Senate with a comprehensive government response.

NATIONAL CAPITAL COMMISSION

PROPOSAL TO SELL MOFFATT FARM— NOTICE OF INQUIRY

Hon. Anne C. Cools: Honourable senators, pursuant to rule 56(1)(2) and 57(2), I give notice that I will call the attention of the Senate:

- a) to the public need for the Senate and Parliament to take into their cognizance the current conflict between Ottawa residents with their Ottawa City Council and the National Capital Commission regarding the National Capital Commission's proposal to re-zone a riverfront parkland to build a 244 housing development on that riverfront parkland, a matter well reported in the media;
- b) to the national capital parkland known as the Moffatt Farm, a riverfront parkland on the heritage waterway, the Rideau River, at Mooney's Bay, near the entrance to the Hog's Back Locks, all of which form a part of the ancient and historic Rideau Canal and the Rideau Canal Waterway System, a parkland which for decades has been held by the National Capital Commission as a commissioned public trust for its protection for the public good and for the public use;
- c) to the meaning in law of a commission, being that a commission is a public body with a public purpose, authorized by letters patent, an act of parliament, or other lawful warrant to execute and perform a public office, and further, that the National Capital Commission is no ordinary entity, or no simple arm's length crown corporation but is a commission which is a peculiar constitutional entity, intended to perform a public duty;
- d) to the current land use designation zoning of Moffatt Farm which is zoned as parkland, as are other Ottawa national capital parks such as Vincent Massey Park and Hog's Back Park, parklands whose maintenance and sustenance are of great importance and concern to Ottawans;
- e) to the National Capital Commission contracted agreements with private developers, including that one with DCR Phoenix, regarding the sale for development of the parkland, Moffatt Farm, to the same DCR Phoenix, a private developer currently acting as the National Capital Commission agent before Ottawa City Council and the Ontario Municipal Board in proceedings about the National Capital Commission proposed re-zoning of Moffatt Farm from parkland zoning to residential zoning so as to permit the National Capital Commission's sale of this parkland to private developers;

f) to Ottawa City Council's unanimous decision on March 27, 2002 rejecting and soundly defeating the National Capital Commission/DCR Phoenix's proposal for re-zoning and development of the Moffatt Farm parkland, to the city government's strong objection to the proposed development, being the building of 244 expensive, luxurious high-end houses on the Moffatt Farm parkland, a parkland also known for its environmentally sensitive lands;

g) the responsible ministry's and the National Capital Commission's own protocol that holds that the National Capital Commission should defer to municipal government on planning issues and land use;

h) to another motion overwhelmingly adopted by Ottawa City Council on April 10, 2002, expressing the City's wish to purchase the Moffatt Farm parkland, also asking the National Capital Commission to honour City Council's decision and also to withdraw its own appeal to the Ontario Municipal Board asking the Ontario Municipal Board to overturn City Council and force the re-zoning of Moffatt Farm from parkland zoning to residential zoning;

i) to that City Council motion of April 10, 2002, which said:

"WHEREAS the Moffatt Farm has been in public ownership for the past 50 years, since its expropriation, and has until 1999 been designated a Capital Park by the National Capital Commission;

AND WHEREAS the NCC has determined that this property is surplus to national needs and intends to sell it;

AND WHEREAS the Moffatt Farm is outside the General Urban Area, and designated as Waterfront Open Space —

The Hon. the Speaker: Senator Cools, a point of order is being raised. Senator Lynch-Staunton?

Senator Lynch-Staunton: The translators are having a terrible time keeping up. Perhaps, if the honourable senator could slow down and give them a break.

Senator Cools: Certainly.

Senator Lynch-Staunton: However, there are planes leaving around 4:30 p.m., so do not slow down too much.

The Hon. the Speaker: Senator LaPierre is rising on a point of order.

Senator Cools: Your Honour cannot consider a point of order at this point.

Hon. Laurier L. LaPierre: I would like to know if we could have a shorter version of this notice of inquiry.

The Hon. the Speaker: Honourable senators, I was in error, and the honourable senator is quite correct: points of order cannot be raised during Routine Proceedings.

Senator Cools: I will continue:

AND WHEREAS the Moffatt Farm is outside the General Urban Area, and designated as Waterfront Open Space in the Regional Official Plan, which is land in, or intended to be in, public ownership and intended for public recreation and environmental conservation uses —

The Hon. the Speaker: Senator Cools, the translation is not coming through because you are reading so fast.

Senator LaPierre: — and too long.

Senator Cools: Honourable senators, I always send a copy of my materials to the translators.

Senator Lynch-Staunton: Perhaps they cannot speak as fast as you can.

Senator Cools: They have a copy of the notice:

AND WHEREAS the Moffatt Farm has no 'right of development' at this time, being designated Major Open Space, Waterway Corridor and Environmentally Sensitive Area, zoning that offers the highest possible protection;

AND WHEREAS, in the Ottawa Official Plan, the Moffatt Farm is designated as a District/Community Park, a use identified in the 1973 Carleton Heights Secondary Plan as a means to address inadequate parkland for this area of the City;

AND WHEREAS, since 1973, the population of this community has doubled and available parkland has already decreased;

AND WHEREAS the City of Ottawa has a policy to acquire, where possible, waterfront properties that form the Greenway System and preserve these lands for public open space use;

THEREFORE BE IT RESOLVED that the City of Ottawa offer to purchase the entire Moffatt Farm property from the NCC, at a price which will be based on its current and future use as a District Park; and

BE IT FURTHER RESOLVED that the City requests the local Members of Parliament (National Capital Caucus) to urge the NCC to respect Council's unanimous decision and withdraw its appeal to the OMB."

j) to the growing public disenchantment and disappointment of Ottawans who perceive the National Capital Commission's corporate culture as running roughshod over Ottawans with wanton disregard for local communities, of which the Moffat Farm community is only one of several which include Lac Leamy, Sparks Street redevelopment and others, all of which have resulted in diminishing public respect for the National Capital Commission and its land use proposals in the national capital area;

(k) to the burgeoning public unease about the destiny of Ottawa's precious public lands as many Ottawans are anxious that the National Capital Commission is conducting its affairs in land use matters, more as a private development company and less as a public commission entrusted with Her Majesty's and the public's interests in the proper land use of unique, historical, heritage parklands and properties; and

(l) to the public need for Parliament's study and review of the National Capital Commission in its entirety, including its role, structure, organization, operations, authorizing statute, its parliamentary appropriations, finances, and its relations with Canadian citizens, especially Canadian citizens living in the Ottawa area, its land dealings, its land developments, and its agreements with private developers selected by the National Capital Commission as recipients, buyers, of treasured historic Ottawa lands.

Senator LaPierre: On a point of information, honourable senators, can we decide that the inquiry is over?

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Nicholas W. Taylor: Honourable senators, I request leave to revert to Notices of Motions. I was asked if this was a notice of motion or a motion, and at the top of my sheet of paper it says "Notice of Motion." However, it cannot be postponed to the next sitting, if we are sitting on Tuesday. I make this request because the committee has invited important witnesses to appear next Wednesday.

The Hon. the Speaker: Is leave granted to revert to Notices of Motions, honourable senators?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: I will ask again, because I want to be clear: Is leave granted to revert to Notices of Motions for Senator Taylor?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: I hear "no." Unanimous consent would be required.

QUESTION PERIOD

NATIONAL DEFENCE

AFGHANISTAN—STATE OF SOLDIERS WOUNDED IN FRIENDLY FIRE INCIDENT—REQUEST FOR UPDATE

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government in the Senate. Will she honour us by taking us into her confidence and telling us the government's understanding, as they know it thus far, of what happened in Afghanistan last night and what is the condition of the wounded? Have there been any more fatalities?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question. We do know that four Canadian soldiers have been killed. We know that two are in critical condition and Senator Forrestall shared with me a few minutes ago that they may have died. However, I do not have confirmation of that at my desk at this moment. I know that the remaining wounded are being transported to Germany, if they are medically capable of being transported.

Beyond that, I do not have any further details other than to say that the Governor General, who is already abroad, will be going to Germany, on behalf of the Government of Canada, to meet with those wounded soldiers.

[Later]

Honourable senators, I should like to clarify some information given earlier during Question Period.

During Question Period this afternoon, the Honourable Senator Forrestall came over to me and told me that there were two additional soldiers who had died. I did say in Question Period that I did not have confirmation of that information. I now have confirmation that it is not true. Apparently, and very regrettably, there are four deaths, but there have not been any subsequent deaths at this time.

AFGHANISTAN—STATE OF SOLDIERS WOUNDED IN FRIENDLY FIRE INCIDENT—ASSISTANCE TO FAMILIES—SPECIAL DUTY AREA PENSION ORDER

Hon. J. Michael Forrestall: Could we have the minister's assurance, on behalf of her government, that the families of our soldiers who were lost last night will be properly given all the care and assistance that they require and are entitled to?

Hon. Sharon Carstairs (Leader of the Government): I am pleased to give the honourable senator that assurance. I have additional information for Senator Forrestall, in a delayed answer this afternoon, with respect to his questions about the Order in Council. The Order in Council has not yet been passed, but it will be retroactive at the moment that it is passed. All the benefits accruing to our forces abroad, including those injured or who lost their lives in this incident, will be covered.

I should report to the honourable senator that there are clearly many questions about exactly what happened last evening. We do know that one 500-pound bomb was dropped from an F-16 fighter. Our troops, at the time, were engaged in nighttime fire drill exercises. Why the bomb was dropped, we do not know. However, we have the total cooperation of the American government to conduct the investigation with us. They will provide every bit of information that is required in order for that investigation to be conclusive.

Senator Forrestall: It is to be regretted that the Order in Council was not dealt with, which gives cause to the possibility of undue anxiety. First, I welcome the honourable leader's assurances that the Order in Council will be retroactive. Second, will the government take the permanent step to make it effective, no matter where it is, that Canadian troops may find themselves engaged in war?

Senator Carstairs: I thank the honourable senator for his question. We will know better when the Order in Council is completed. I know that some of the delay is because they want to make this an Order in Council which, like the previous Order in Council, will be ongoing.

The Hon. the Speaker: Honourable senators, it being 2:15 p.m., pursuant to the order adopted by the Senate on Wednesday, April 17, 2002, it is my duty to interrupt the proceedings for the purpose of putting the deferred vote on the motion in amendment of Senator Stratton. The bells to call in the senators will ring for 15 minutes.

Call in the senators.

• (1430)

ORDERS OF THE DAY

FOREIGN MISSIONS AND INTERNATIONAL ORGANIZATIONS ACT

BILL TO AMEND—THIRD READING— MOTION IN AMENDMENT NEGATIVED

On the Order:

Resuming debate on the motion of the Honourable Senator Graham, P.C., seconded by the Honourable Senator Pépin, for the third reading of Bill C-35, to amend the Foreign Missions and International Organizations Act;

And on the motion in amendment of the Honourable Senator Stratton, seconded by the Honourable Senator

Atkins, that the Bill be not now read the third time but that it be amended.

(a) on page 8, by adding after line 35, the following:

"9. The Act is amended by adding the following after section 13:

ANNUAL REPORT

13.1 The Minister of Foreign Affairs shall, as soon as possible after the end of each fiscal year, cause a report to be prepared on the administration and enforcement of this Act for that year and shall cause the report to be laid before each House of Parliament on any of the first fifteen days on which that House is sitting after the Minister receives it."; and

(b) on pages 8 and 9, by renumbering clauses 9 and 10 as clauses 10 and 11 and any cross-references thereto accordingly.

Motion in amendment negated on the following division:

YEAS

THE HONOURABLE SENATORS

Andreychuk
Atkins
Bolduc
Cochrane
Comeau
Di Nino
Doody
Gustafson
Kinsella

Lynch-Staunton
Murray
Nolin
Oliver
Prud'homme
Rivest
Stratton
Tkachuk—17

NAYS

THE HONOURABLE SENATORS

Adams
Austin
Bacon
Baker
Biron
Bryden
Callbeck
Carstairs
Chalifoux
Christensen
Cook
Cools
Cordy
Day
De Bané
Fairbairn
Ferretti Barth
Finnerty
Fitzpatrick
Fraser
Gauthier
Gill

Joyal
Kenny
Kolber
Kroft
LaPierre
Lapointe
Léger
Losier-Cool
Maheu
Mahovlich
Milne
Moore
Morin
Pearson
Phalen
Poulin
Robichaud
Rompkey
Setlakwe
Sibbeston
Sparrow
Stollery

Graham
Hervieux-Payette
Hubley
Jaffer

Taylor
Tunney
Watt
Wiebe—52

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

QUESTION PERIOD

NATIONAL DEFENCE

AFGHANISTAN—SOLDIERS KILLED AND WOUNDED IN FRIENDLY FIRE INCIDENT— CONDUCT OF INVESTIGATION

Hon. Laurier L. LaPierre: Honourable senators, it is well and good to say that the Americans will cooperate with the investigation in order to find out what happened in this terrible tragedy. However, does not the Canadian government have a fundamental moral and national responsibility not to pass on the responsibility of investigation to a foreign power but to conduct an investigation itself? Is there a procedure to that effect? I would not want the Americans to tell us only what they want to tell us. I want to be able to find out why it is that someone dropped a bomb on our boys.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I anticipate that the Americans will want to conduct their own investigation. Let me make it very clear: The Canadian investigation will be done by Canadians under a policy of the Department of National Defence, and we have been assured of the full cooperation of the United States in that study.

[Translation]

FINANCE

ACCOUNTABILITY OF GOVERNMENT AGENCIES

Hon. Roch Bolduc: My question is for the Leader of the Government in the Senate and has to do with the foundations. It is a substantial issue.

[English]

Nine foundations have been set up since 1997 and have been given \$7.1 billion. As of March 31, 2001, they still had \$7 billion in the bank.

[Translation]

Is creating foundations a new way for the Minister of Finance to avoid reducing the deficit?

[English]

Hon. Sharon Carstairs (Leader of the Government): The foundations were established, as I am sure the honourable senator knows, because they are working in areas of research in most respects and in the provision of scholarships in other

respects that we believe are best handled and administered in an arm's-length manner. Having said that, they must be accountable and audited. That is why the government is taking steps to ensure the earlier foundations that did not have the clearest mandates in terms of accountability will be brought up to the standard of the more recent foundations.

[Translation]

Senator Bolduc: The government finds itself in an awkward position. It created two new foundations in February and, suddenly, it has decided to take a different tack and treat them as though they were departments. The Auditor General says that there are important shortcomings and weaknesses in the delegated arrangement approach and that she is limited as to which aspects of arrangements she may examine, which prevents her from providing Parliament with the assurance that federal resources and authorities are being used as they should be.

Billions of dollars remain in the hands of foundations for years before reaching beneficiaries. When things go badly, the government has little recourse, and Parliament has few opportunities of examining these delegated arrangements.

If this is not a way to avoid reducing the deficit, is it a new way of budgeting? The Minister of Finance brings down a budget for a given year.

• (1440)

Suddenly, in March of the following year, there is too much money! The money is coming in in buckets. So, he thinks of creating a foundation at the end of the year, where it will not be subject to too much control. In other words, will there be two budgets every year? One at the beginning, and another at the end of the year?

[English]

Senator Carstairs: If that were the case, honourable senators, there would be even more foundations. As I am sure the honourable senator realizes, the news out today is that, although the Finance Minister had indicated a very small surplus for this year, our economy has been so buoyant — it has not met the recession that the other side seems to want — that we have surplus that will come in somewhere between \$7 and \$10 billion when the final figures are announced in September. In reality, through good fiscal management, we are again managing the economy extremely well. I know the other side does not like foundations. This side has been supportive of those foundations, and will continue to be so.

[Translation]

Senator Bolduc: Given that it is now the month of April, you cannot create a foundation this year, you will have to pay down the debt!

[English]

THE SENATE

NATIONAL SECURITY AND DEFENCE— POSSIBILITY OF SPECIAL MEETING ON SITUATION IN MIDDLE EAST

Hon. Marcel Prud'homme: I did not have much luck yesterday with the Chairman of the Standing Senate Committee on Foreign Affairs, so I will try today, in view of events, to question another chairman. Such questions give chairmen a chance to be known and to show that they can handle their own situation.

My question is to the able Chairman of the Standing Senate Committee on National Security and Defence. I have just arrived from the other chamber, where the entire Question Period was between the opposition, some members of the government and the Minister of National Defence. In view of all the events that are taking place, and the fact that people are extremely worried, I think the Senate could play a role, as I said yesterday, in foreign affairs. Surely the chairman of the committee, who is very able, knows how to handle public opinion, television, et cetera. I say that positively.

My question is, will he consider calling his committee for a special meeting of interested senators, so we can ask, in a very positive way, officials of the Department of National Defence pertinent questions, in order to give some comfort to the families affected by these tragic events, especially questions in regard to how the survivors will be treated and how Canada will handle its responsibilities, because we have a moral obligation.

Hon. Colin Kenny: Honourable senators, I thank Senator Prud'homme for the question. Yesterday, the committee received an order of reference from this chamber that does not accommodate what he has in mind. Obviously, we would be prepared to do whatever this chamber directed, and the appropriate way to do that is through an order of reference.

NATIONAL DEFENCE

UNITED STATES—PROPOSAL TO CREATE NORTH AMERICAN MILITARY COMMAND STRUCTURE FOR LAND, SEA AND AIR—EFFECT ON NORAD

Hon. Pierre Claude Nolin: Honourable senators, my question concerns the United States' creation of its own military command for the land, sea and air defence of all North America, better known as the Northern Command, or NORCOM.

According to the announcement made yesterday by the U.S. Secretary of Defence, Donald Rumsfeld, NORCOM will include NORAD and many U.S. federal agencies involved in homeland security intelligence and natural disaster relief.

As you already know, Canada decided not to participate in this new command structure.

On June 16, 2000, Canada and the United States agreed to extend the NORAD agreement until the year 2005. When the NORAD agreement was extended in the year 2000, the former Minister of Foreign Affairs, Lloyd Axworthy, stated: "NORAD has been the foundation of Canadian-U.S. defence cooperation since 1958." The Minister of Defence, the Honourable Art Eggleton, also said: "Through outstanding cooperation and cohesiveness, NORAD has proven itself effective in watching, warning and responding."

Considering that a terrorist or military attack on U.S. territory could also affect Canada and that a U.S. unilateral retaliation could threaten our sovereignty on land and sea, can the Leader of the Government in the Senate tell us why the federal government did not attempt to convince U.S. authorities to create NORCOM under NORAD by extending its mandate, using the structures that have proven so successful in the past?

Hon. Sharon Carstairs (Leader of the Government): With the greatest of respect to the honourable senator, the announcement of a unified command plan by the United States is an American plan. It is not a Canadian plan. The United States has not sought, nor has it been given, cooperation with Canada.

With respect to honourable senator's statements on NORAD, he, of course, is absolutely correct. NORAD remains the cornerstone of the Canada-U.S. bilateral defence relationship. It is not part of the unified command. Whether or not the creation of a northern command, which is part of what the honourable senator has raised today, may have potential implications for a continental security arrangement, it is too early to speculate upon. These are just announced plans in the United States. Nothing is complete. I must assure the honourable senator, however, that there will be some further engagement in informal discussions between the two countries, but nothing formal has taken place.

Senator Nolin: Honourable senators, I saw the report and the Defence Secretary said that the new command will become operational on October 1 this year, at Peterson Air Force Base, so it is more than a project.

Considering the creation of NORCOM, and it is a given, it will happen, and the poor state of our Armed Forces, would the Leader of the Government in the Senate concur that this new arrangement would make NORAD obsolete in the eyes of Americans in four years?

Senator Carstairs: Honourable senators, the short answer is no, it will not make NORAD obsolete. NORAD will continue as a bilateral defence pact between the two countries. It is also true that the united command plan, sometimes called by another name, is at this point a classified military document. We do not have access to all of the information in that document so it would be premature, quite frankly, to make any long-term or short-term forecasts at this point.

[Translation]

Senator Nolin: Honourable senators, would it not have been much more reasonable for Canada to participate in this organization for the defence of territory that includes Canada in order to follow the evolution of the American analysis on the ability of NORAD to fulfil its mandate? Do you believe that the Americans will bother dealing with a government other than their own? For now, NORAD is part of NORCOM. The day they decide that NORAD is more of a problem than a solution, they may decide to have their own defence unit and to replace NORAD without even Canada's consent.

[English]

• (1450)

Senator Carstairs: I would hope not, honourable senators, but the major concern here for me, and I believe for the Canadian government, is Canada's sovereignty. That is the issue from our perspective. We have a joint bilateral defence agreement with the United States that has worked well for both countries. However, we will not be dictated to by the United States on what Canada's defence policy should be. Canada's defence policy will be developed by Canadians, including, I hope, members of this chamber, when a defence review takes place. I believe we will be active participants in that review. It must take place in this country for Canadians.

[Translation]

Senator Nolin: No one is challenging Canada's sovereignty, especially not the honourable senators on this side of the chamber. However, you must admit that the Americans will not be bothered to place a phone call, even to the Minister of National Defence, before proceeding to defend their territory.

I remind you, honourable senators, that an examination of their documentation, which is most certainly not classified, reveals that Canada is part of the territory where they intend to establish a defence unit.

Do you think that the U.S. will bother to check with Canada? Not at all. Should Canada not, from the outset, take part in developing the defence plan for the continent?

[English]

Senator Carstairs: Honourable senators, it is for that reason that informal discussions have taken place. However, I do not think those discussions have been particularly fulsome in that we do not have all the details of the Americans' plan.

I agree with the honourable senator, that it is not realistic to think that the United States will make its defence plans and defence arrangements with anyone in mind except the United States. They have not done so in the past and I suspect that they will not do so in the future.

Having said that, we have been able to make bilateral arrangements in the past and I hope we will continue to make them in the future. However, the issue from my perspective is that Canada's defence policy be Canadian-driven and not American-driven.

[Translation]

Senator Nolin: Do you feel that Canada's defence is so sovereign that it can ignore the defence processes and protocols of our neighbours to the South? Is it conceivable that we can defend Canadian territory while ignoring the protocols of U.S. defence?

[English]

Senator Carstairs: No, honourable senators, and that is why we should participate in as many informal discussions as possible. The continent has clearly become much smaller in terms of relationships, and I include Mexico. We are not islands and we cannot act entirely on our own, particularly when one of us is, as has been described in the last few weeks, a "hyper power" on the international horizon and the other two are not.

However, we must also be extremely cautious, when evolving policies, that we are not dominated by the United States. In my view, domination will be attempted at every opportunity. They tried it not so long ago. That, unfortunately, from the perspective of the honourable senator perhaps, led to the defeat of a Conservative government in the early 1960s on a ballistic missile policy.

Because of their power and their numbers, the Americans sometimes think of Canada not so much as a sovereign nation as the fifty-first state to their north. We are not the fifty-first state and in my view we will never be. However, in order to ensure that we do not become the fifty-first state, we must develop our own strategies.

Senator Nolin: Therefore, honourable senators, the leader agrees that we must be at the table during the discussions?

Senator Carstairs: Honourable senators, in four answers I have indicated that those informal discussions are important. NORAD has worked well. Obviously, it is a joint defence structure, but we play on an equal playing field, and that is the issue here.

NATIONAL SECURITY AND DEFENCE REPORT— FUNDING OF DEPARTMENT

Hon. Norman K. Atkins: Honourable senators, my question is directed to the Leader of the Government in the Senate. The Auditor General's recent report deals with money put beyond the reach of Parliament. The Auditor General has pointed out that since 1995 some \$7.1 billion has been sitting in various bank accounts, some of which has not been touched for years. Many of the problems facing our military today, especially the issue of retention of personnel, stem from a serious lack of funding.

Can the Leader of the Government in the Senate tell us whether cabinet has reviewed the recent report, tabled on February 28, 2002, by the Standing Senate Committee on National Security and Defence? Will the Minister of National Defence be announcing increased funding for our military, which I believe is in mortal danger due to its underfunding?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I can only tell you what I have been told by the Honourable Minister of Defence, and that is that he has reviewed the document that was tabled in the Senate by the committee so ably chaired by Senator Kenny.

In terms of increased defence funding, defence spending has been increased in the last three budgets brought down by this government. Is that enough? Will that meet all of our expectations? It is clear that there will have to be increases in the future and the government is committed to that.

Senator Atkins: It is hardly enough, honourable senators. Will the Leader of the Government in the Senate take to the cabinet a proposal to collapse some \$4 billion sitting in funds identified by the Auditor General and request that these monies be transferred immediately to the budget of the Department of National Defence?

Senator Carstairs: No, honourable senators, I will not bring such a request to the cabinet table for the simple reason that the foundations that were established, such as the Millennium Scholarship Foundation that provides scholarships for students across this country, have not spent all their money. It was anticipated that they would not, because, in this case, there would be no money for future students. That was not a one-year program. It is a program in perpetuity.

JUSTICE

NUNAVUT—GUN CONTROL REGISTRATION PROBLEMS—DEADLOCK ON PROPOSED REGISTRATION REGIME

Hon. Willie Adams: Honourable senators, my question is directed to the Leader of the Government in the Senate.

The question deals with the difficulty the Nunavumiut are having obtaining their firearms licenses. When firearms regulations were under the jurisdiction of the RCMP, there were two firearms officers and one firearms clerk for all of Nunavut. Through radio programs, an officer, speaking in Inuktitut, would explain to people in the communities how to complete their applications and answer other questions pertaining to firearms.

Since the transition to the Department of Justice, the budget allows for only one firearms officer for all of Nunavut. I also discovered recently that the office has been closed. All services are now provided out of Regina, with the regional office being in Edmonton.

One of my concerns is about the elders in Nunavut, many of whom speak only Inuktitut. Since 1999, elders have been considered alternately certified under the Aboriginal Adaptations Regulations from taking the Canadian Firearms Safety Course because they grew up around guns and hunted regularly to provide food for their families. If this declaration is enclosed with an elder's firearms application, the licence should be processed without hesitation. Unfortunately that is not the case. Their applications are being returned with a request to provide proof of the Canadian Firearms Safety Course.

• (1500)

Also, house numbers and street names are required on the application. Most of our communities are so small that these are not necessary. Even obtaining a photograph is difficult in some of the communities.

These problems are causing frustration and unnecessary delays. People in our communities are still having problems with this process. Since their guns are not registered, they cannot get ammunition, and without ammunition they cannot go out on the land to hunt for their families. There is a high rate of unemployment in Nunavut and many people hunt on a regular basis to supplement their family's food supply.

My question to the Leader of the Government is: Is there any way in which firearms applications can be processed in a more timely manner while at the same time language and culture be taken into consideration?

Hon. Sharon Carstairs (Leader of the Government): I thank Senator Adams for his question. As he knows, when I was the sponsor of Bill C-68, my biggest concern was for those who live in the northern territories. Therefore, I made a visit to three communities there to learn what their unique difficulties would be.

Clearly, the language is paramount. If a firearms officer speaks English but the person who wishes to obtain a certificate speaks only Inuktitut, there is a serious problem. The government has tried to respond to that. As a result, 6,000 individuals who live in Nunavut have gone through the participation program. I will raise this matter again with the appropriate minister.

However, it points out the difficulties we sometimes have in a computerized society in which some people do not meet all the information requirements of the computer. For example, as the honourable senator said, many northern communities have neither street names nor numbers on the houses. The computer will send back the form requesting the residence number or the street name, and that has caused enormous frustration for many of the people participating in the program.

I am aware of the honourable senator's concerns. I have raised this matter before. I assure the honourable senator that I will raise the matter once again.

Hon. Charlie Watt: Honourable senators, my question for the Leader of the Government in the Senate is supplementary to Senator Adams' question.

I am the chairman of the working group dealing with gun control. The information I received recently from my negotiators is that they have run into a deadlock with officials because they will not accept an innovative idea with respect to using Nunavut beneficiary cards. Rather than issuing a separate permit, we suggested putting the information in the beneficiary card so that all the information about an individual would be in that card. That is what we were proposing. We were not too far from striking a deal with the Department of Justice. For some reason, at the last minute, they had to return to their superiors to see whether they could advance the matter.

Could the honourable senator deliver the message to the minister that after our meeting with them, we thought the matter would proceed quickly? We had talked about a signing ceremony with the leaders from the North in June. That is still my target. I believe that is still the target of the minister. If this deadlock could be rectified, that would be helpful.

Senator Carstairs: Honourable senators, I am not sure I can rectify the matter. However, I shall certainly let them know about the deadlock at the ministerial level, if it has not made its way up from the bureaucratic level. Hopefully, we will be able to help in arriving at a conclusion.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table in this House responses to two questions. The first is a response to a question raised on March 13, 2002, by Senator St. Germain, regarding payment of legal fees for RCMP Constable Michael Ferguson, and the second is in response to questions raised by Senator Forrestall on March 14 and 19, 2002, concerning the war in Afghanistan, veterans benefits to troops, and the special duty area pension order.

SOLICITOR GENERAL

RCMP—TREATMENT OF CONSTABLE MICHAEL FERGUSON—PAYMENT OF LEGAL FEES

(Response to question raised by Hon. Gerry St. Germain on March 13, 2002)

Legal representation for this RMCP member is complex given the severity and length of the process.

I can assure you that the RCMP fully supports the payment of legal expenses for representation of their members in matters relating to their duties.

In this case, the Government has in fact paid legal expenses for the preliminary hearing.

However, I understand that there are outstanding accounts in relation to representation at trial.

I have been advised that these matters are being reviewed and that legal expenses will be paid for in accordance with expenses allowed under Treasury Board policy.

NATIONAL DEFENCE

WAR IN AFGHANISTAN—VETERANS BENEFITS TO TROOPS—TERMS OF SPECIAL DUTY AREA PENSION ORDER

(Response to questions raised by Hon. J. Michael Forrestall on March 14 and 19, 2002)

We have begun the process of amending the Pension Act to include Afghanistan and several other geographical areas that pertain to Operation Apollo and the anti-terrorism campaign.

This will require Governor-in-Council approval to formalize a change to the definition of Special Duty Areas (SDA), which provides CF members "Insurance Principle" coverage under section 21(1) of the Pension Act.

Once the SDA approval is obtained, Veterans Affairs Canada will be able to apply the Pension Act to all eligible cases retroactively to the approved dates, which will be at least September 11, 2001.

In the meantime, all members in-theatre on Operation Apollo are fully covered under Section 21(2) "Compensation Principle" of the Pension Act; i.e. if they are injured while in service they will be covered by the Act. Based from experience, the approval process will take between 6 to 12 months.

There are four main allowances provided to CF members deployed on CF missions abroad:

- Operational Foreign Service premium (Ops FSP) - for being outside Canada;

- Hardship allowance (HA) - depending on the harshness of the environment;

- Risk Allowance - depending on the risk to the individual; and

- Hardship bonus - for personnel having already served on a hardship mission.

These benefits vary from mission to mission and are adjusted periodically based on feedback from the local commander and from monthly deliberations by the Departmental Hardship and Risk Committee (DHRC).

Personnel with dependants are also entitled to a separation expense of (\$ 4US per day).

[English]

ORDERS OF THE DAY

FOREIGN MISSIONS AND INTERNATIONAL ORGANIZATIONS ACT

BILL TO AMEND—THIRD READING—
MOTION IN AMENDMENT—
VOTE DEFERRED—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Graham, P.C., seconded by the Honourable Senator Pépin, for the third reading of Bill C-35, to amend the Foreign Missions and International Organizations Act.

Hon. A. Raynell Andreychuk: Honourable senators, I wish to speak to Bill C-35, which was before the Standing Senate Committee on Foreign Affairs. Yesterday, Senator Stratton spoke to the bill. I support his comments about this bill not having received sufficient scrutiny, particularly in the community. Certainly, most of the action has been around Bill C-36 and other bills introduced at the time of the anti-terrorism legislation.

One of the witnesses before us in the Standing Senate Committee on Foreign Affairs noted that, curiously, this bill came after September 11 and was placed before the House of Commons precisely at the time that we were looking at terrorism issues. One wonders if the justification for bringing Bill C-35 lay in the deliberations of the Standing Joint Committee of the Senate and House of Commons for the Scrutiny of Regulations sometime previously. Like the witness, I also wonder why these bills are now being brought before us. Is there a feeling that they would be passed with greater ease now than at other times?

With respect to Bill C-35, this proposed legislation would grant greater diplomatic immunity to a greater number of people. Traditionally, diplomatic immunity was for missions abroad. It was a reciprocal arrangement in which our diplomats would receive diplomatic immunity in the countries they were serving in and would not be under undue pressure or threat. We, in turn, would afford diplomats to our country the same protections. It would allow diplomats to move freely and speak freely on behalf of their countries.

I do not quarrel with the granting of diplomatic immunity. I am extremely supportive of diplomatic immunity. Despite the fact there are from time to time cases of impaired driving or more horrific acts, my point of view is diplomatic immunity serves a purpose, and we must find a way within the diplomatic community and within the processes in the Vienna Convention to ensure that diplomats act responsibly.

From time to time diplomats have not exercised their authority appropriately. We should take steps, in consultation with diplomatic missions around the world, to ensure responsible behaviour. If one looks at the numbers of diplomats around the world, they do, by and large, act professionally and within the traditional ambit of what is expected of them, both publicly and privately.

Traditional diplomacy was extended to treaty-based organizations, and those organizations could set up in any country with the knowledge that, in fact, diplomatic immunity would be granted to their people. If treaty-based organizations held a conference, diplomatic immunity was extended. We passed laws in Canada to allow that to happen.

• (1510)

One of the reasons for diplomatic immunity is that reciprocity is given. If, in fact, there is behaviour that is inappropriate, there is the term of *persona non grata*. In other words, we can ask people to leave the country. There is a time limit within which they can leave and be dealt with, and the offending diplomat is removed from Canadian soil.

Bill C-35 extends this diplomatic immunity beyond treaty-based organizations and beyond the normal diplomatic missions to any intergovernmental organization of two or more countries. For any conferences that will be held in Canada, people will be given diplomatic immunity.

My difficulty with this provision is that these people may not be coming from the normal diplomatic stream. They may not be easily tracked or checked, and they will be afforded all of the diplomatic immunity that those who have traditionally served would receive.

If we pass this bill, I believe that we will embark on a process that we are not certain will be reciprocal in other countries. We are not certain as to what the outcome will be for the safety and security of Canadians, nor to the Canadian reputation or our national interests. Therefore, I have some overriding concerns about diplomatic immunity being extended beyond treaty-based operations. Several witnesses, who appeared before the committee, echoed that concern.

There are two basic concerns within Bill C-35 that I wish to address. I have already indicated that the bill expands the scope of immunity. Bill C-35 grants the immunity to treaty-based organizations and to non-treaty-based organizations. That is where it is problematic.

In the evidence that was given before the committee, we heard from Mr. Matas on March 12, 2002. At page 23:7 of the evidence of the committee, Mr. Matas said:

The timing of the bill is very strange. The bill was introduced October 1, 2001, very shortly after the events of September 11. Why the government should be introducing proposed legislation that extends immunity to terrorists in Canada is a mystery to me. It preceded the introduction of Bill C-36 by a couple of weeks. For the government, on the one hand, to propose to provide immunity to terrorists and, on the other hand, to take it away is dissonant. In any case, it is problematic to extend immunity at any time.

Treaty organizations are based on international law. There is a context in which it makes sense to say that these people should be allowed to meet. There are obligations binding them, other than the ones relating to the meetings, and those can have some disciplinary force. However, immunity is extended to non-treaty organizations, there is no legal binding or constraining context in which they are operating. By allowing treaty organizations to meet under treaty law, the force and scope of international law is expanded, yet by granting immunity to non-treaty organizations you are doing nothing of the sort. International law is weakened and undermined.

Honourable senators, I believe we should listen to Mr. Matas, who has a long and venerable career in international law. He went on to say:

There is a duty in international law to prohibit and prosecute the perpetrators of terrorism, war crimes, crimes against humanity, genocide, disappearances, torture, or extrajudicial execution. These duties are obligations that are pre-emptory norms of international law. According to the Vienna Convention on the Law of Treaties, these norms supersede all other treaty norms. According to the Vienna Convention on the Law of Treaties, any treaty that grants immunity for these crimes is void....

The proposed legislation does not fit with our obligations to surrender, prosecute, or extradite. There needs to be some meshing of this proposed legislation with our duties under the Rome Statute of the International Criminal Court and our own legislation about crimes against humanity and war crimes. It should be clear that regardless of whether it is a treaty organization or a non-treaty organization, there is no immunity for these international crimes where the prohibition is a pre-emptory norm of international law.

In addition to the issue of protecting Canada against terrorism and complying with the International Criminal Court, the concern raised before the committee, and which I share, is that anyone coming into Canada, who was in any of these categories, had to apply for a minister's permit. In his response to the Senate committee, Mr. Matas pointed out:

In addition to a granting of immunity, they need something to circumvent the prohibition in the Immigration Act. What they receive now is a minister's permit, person by person.

We have concerns that these people are being granted minister's permits, and indeed they are. According to the testimony of Joan Atkinson, Assistant Deputy Minister, Citizenship and Immigration Canada, a number of people who are alleged to have committed crimes against humanity were given a minister's permit to attend the last francophone summit. That is of some cause for concern.

Bill C-35 makes it a lot easier for these people to get in, because instead of the positive grant of a minister's permit this proposed legislation proposes a blanket grant. The only people that will be kept out are people who are specifically mentioned in the Order in Council. It is less likely that people will be mentioned in an Order in Council than denied minister's permits, because the granting of a minister's permit requires a positive act of the government.

Mr. Matas goes on to say:

The government has to say, "We will put this person in the Order in Council," and simple bureaucratic inertia will make it a lot easier for war criminals and criminals against humanity to come into Canada.

The department indicated that they wanted this new Order — in Council mechanism because they were more concerned about the dignity of the perpetrators having to go through this process. They use the example of the Nelson Mandela problem, as it was stated. Mr. Matas, in his testimony before our committee, quite rightly stated:

The government officials have also talked about what they call the Nelson Mandela problem, that in order for Nelson Mandela to come to a conference he would need a minister's permit because he has been convicted of a crime in South Africa and that we should not have to put someone like Nelson Mandela through the embarrassment of having to get a minister's permit. We reject that characterization. If you look at the Immigration Act, in order to be inadmissible it is not enough for a person to be convicted of a crime abroad. The person has to have been convicted of an act that, if committed within Canada, would be an offence. It is our view that nothing Nelson Mandela ever did, if he did it in Canada, would have been an offence. Opposing apartheid is not now and never was an offence in Canada. It is a mischaracterization to suggest that there is this sort of problem.

I share also with Mr. Matas that we should not be as concerned with the perpetrators and their dignity, but we should be concerned with the dignity of the victims of these people. Mr. Matas quite rightly pointed out in testimony before us, at page 23.11:

What is the national interest in having these people come to Canada?

I should, in parenthesis, say here that some senators asked: What if we brought some of these alleged perpetrators here for the purposes of an international conference that might lead to peace? This is the answer from Mr. Matas:

The conferences themselves can still take place. It is just that some people would not be allowed to attend; if they did, they would run the risk of being prosecuted for the crimes they had committed. What advantage do we get in having war criminals and the like coming to international conferences? It would hardly improve the quality of the deliberations. The departmental officials stated that it is an advantage in having these people here to deal with some of the very issues of concern that may be some of the root causes of these things.

In our view, the root cause of many of these human rights violations is impunity. If you enhance impunity you will add to the root causes. If you get violators sitting around and talking about root causes, they will blame someone else, and typically they blame the victims. We should not be hosting international conferences where this sort of discourse is invited.

• (1520)

The Hon. the Speaker: I regret to inform the Honourable Senator Andreychuk that her 15 minutes have expired.

Senator Andreychuk: Honourable senators, I ask for leave to continue.

The Hon. the Speaker: Is leave granted, honourable senators?

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I will grant a few minutes to the honourable senator to allow her to finish her comments.

[English]

Senator Andreychuk: Honourable senators, I will try to be as brief as I can.

We can allow people into this country who may have been alleged to be perpetrators. Let us not make the mistake of saying that if someone is alleged to be a perpetrator, then he should not be allowed into Canada. It is only if they have been adjudged to be perpetrators that we do not wish them to come into Canada. There is a distinct difference.

The Dayton accord and Mr. Milosevic were given as examples. Would we have allowed him in if we had had the Dayton accord? Some thoughtful people are saying that perhaps we should not have dealt with Milosevic. In any event, at the time of the Dayton accord, he was not adjudged to have been a perpetrator. It was only alleged by some sources. Thus, he would not have been precluded from coming to Canada.

My second point is that, in this bill, we would grant to the Royal Canadian Mounted Police the right to determine security issues that, in my opinion, should by right be in the hands of politicians. As was pointed out in evidence before us, it is not just an issue of security and safety for those conference delegates; it is also an issue of security and safety for those property owners around these conference areas, and the right and freedom of protesters to express themselves freely within the context of this conference.

[Senator Andreychuk]

Minister Graham quite rightly pointed out, and I commend him for the fact, that in Quebec City the government went to great pains to meet with the NGOs and to offer an environment for them to have some discourse with the Canadian officials, and others. However, that is not the point here. The point here is that demonstrators want to have an impact on those who are at the conference, and not necessarily those who consent to meet with them. It is that impact between the protesters and those who are there that the protesters want. I caution honourable senators that here I am speaking about peaceful demonstrators, and no others.

In Bill C-35, the RCMP have the right to designate, which is my particular concern. It is not that they have the safety and security to worry about in emergency exigent circumstances, but they will be the ones who will designate the controlling, limiting and prohibiting of access in any area to the extent and in the manner that is reasonable in the circumstances.

The test set out in Bill C-35 is exactly the kind of test that Justice Hughes in the APEC inquiry was found to be wanting, as Senator Stratton said yesterday. Yet we are now entrenching that as reasonable and acceptable in Bill C-35. I do not believe that should be the case.

The issue of saying how far protesters in legitimate protests should be from the conference is surely a balancing of rights. When we balance rights, it should be a political decision, not a decision taken by the police who, traditionally, have the job of safety and security. To put that onus on them is unreasonable. However, we learned in the APEC inquiry that the political persons are, perhaps, not appropriate, either.

The next line of defence might be some guidelines for the police. In Bill C-35 there are no guidelines.

The last point is that at least the demonstrators should have some prior notice of exactly where these delineated areas will be and, therefore, have an opportunity to question them. The government says that these delineated areas and the clauses in Bill C-35 that deal with this matter will be subject to Charter challenges. As our witnesses quite rightly pointed out, if you do not know where the area is until after the fact, then going to court to prove the delineation was wrong is not an acceptable or affordable right. After-the-fact redress is not the kind of redress that the Charter contemplated, nor one which Canadians expect.

Consequently, the broad, outlined delineated areas where the protesters cannot go should be published prior to the event. This is also for good security reasons because then they will know what the limits are. If we, as citizens, believe that our rights are being hampered then, before the fact, we would be able to mount a Charter challenge.

After the speeches I heard yesterday, I believe the issues I am raising are fundamental to the good governance of Canada and to the proper implementation of the Charter of Rights and Freedoms. We hold very dear the right to protest, the right to freedom of expression, and the right to movement. We weigh those in proportionality to our right to security.

I believe that kind of pre-testing is necessary. Had there been better rules prior to APEC, Canada's reputation would have been centred on the APEC forum and not on the inquiry which was held afterward.

MOTION IN AMENDMENT

Hon. A. Raynell Andreychuk: Therefore, honourable senators, I move, seconded by Senator Stratton:

That Bill C-35 be not now read a third time but that it be amended

(a) in clause 3, on page 4, by adding after line 19, the following:

"(1.4) An order made under subsection (1) does not grant immunity in any civil or criminal proceeding respecting the commission of an act of terrorism, torture or genocide, an enforced disappearance, a summary execution, a war crime or a crime against humanity."; and

(b) in clause 5, on page 6,

(i) by adding, after line 39, the following:

"(3) Where the Royal Canadian Mounted Police proposes to control, limit or prohibit access to an area under subsection (2), the Commissioner shall publicly announce a description of the delineated area before the later of

(a) 30 days after the dates of the intergovernmental conference are publicly announced; and

(b) 30 days before the first day of the intergovernmental conference."; and

(ii) by renumbering subsections 10.1(3) and (4) as subsections 10.1(4) and (5) and any cross-references thereto accordingly.

• (1530)

[Translation]

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Hon. Jean-Robert Gauthier: Honourable senators, the interpreters did not receive a copy of Senator Andreychuk's motion in amendment. I could not follow the discussion. I have no idea what happened because my interpreter does not understand. In future, would you kindly provide the interpreters the texts in French and English so that I can follow and understand what is going on?

[English]

The Hon. the Speaker: Honourable senators, shall we then continue with the Order Paper while the motion in amendment of the Honourable Senator Andreychuk, seconded by the Honourable Senator Stratton, is distributed to all senators?

Hon. Senators: Agreed.

[Translation]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I propose that Senator Gauthier adjourn the debate.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I would like to counter-propose that Senator Gauthier not adjourn the debate.

[English]

The Hon. the Speaker: Is it agreed, honourable senators, that while we await the distribution of the motion in amendment, we continue with the Order Paper and then return to that item when it has been distributed to all senators?

Some Hon. Senators: Agreed.

[Translation]

Senator Kinsella: Honourable senators, this is a motion that requires unanimous consent. I do not agree with it. The solution is very simple. Senator Gauthier should adjourn the debate. I want to move the adjournment of the debate.

Hon. Eymard G. Corbin: Honourable senators, I think it is common courtesy to allow all senators to read any proposed amendment in the official language of their choice. I remind you that this principle was clearly established and confirmed during the infamous debate on the GST. This is common courtesy and it also reflects the spirit of the Official Languages Act. Senator Gauthier's request does not go beyond these considerations. We should not only accommodate him because of a particular technical problem, but also the other senators who wish to read this text. A text that is read outside its context is sometimes hard to understand. I want to include it in the act. We are simply asking that the text be distributed. We are not asking for adjournment of the debate. We are asking that the text be distributed in both official languages. This is a common courtesy in any Parliament.

[English]

The Hon. the Speaker: Does any other honourable senator wish to make a helpful comment?

Honourable senators, I have made a suggestion. The question is whether it requires unanimous consent to proceed as has been suggested, that is, that we proceed with the Order Paper while a copy of the amendment proposed by the Honourable Senator Andreychuk, seconded by the Honourable Senator Stratton, is distributed in both languages, which have been available and which have been read by the Honourable Senator Andreychuk and myself.

I assume that we have encountered this situation many times before. It would be in order either to pause during the proceedings for the amendment so that it can be considered or to proceed. However, an honourable senator might suggest this procedure, as it is not in order for the Chair to suggest it.

In terms of where we were in the Order Paper, and on this particular matter, Senator Kinsella is prepared to move a motion to adjourn the debate. I did not put that motion. I have heard argument as to whether it is in order to proceed in another way, and I have heard from one senator, the Honourable Senator Corbin. I think the Honourable Senator Robichaud was making the same point, namely, that we should proceed as we have in the past.

Senator Stratton: It should be ready now.

The Hon. the Speaker: It is entirely in order to propose an adjournment of the debate after the motion in amendment has been distributed. Accordingly, I will call for a pause at this time for the material to be distributed, following which we will continue.

Senator Stratton: Good stonewalling.

The Hon. the Speaker: Honourable senators, I am not sure that all senators have the material yet, but I would appreciate knowing if you have it. Regrettably, I no longer have it.

Honourable senators, it was moved by the Honourable Senator Andreychuk, seconded by the Honourable Senator Stratton —

An Hon. Senator: Displease!

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I am somewhat distressed at the way that the debate on amendments has been proceeding in the last few months. I cannot recall, recently anyway, when a serious amendment — and they are all serious — being put by this side has even been commented on by the other side. That is not debate. That is mirror imaging of what is going on in the other place. Numbers are being used as a substitute for proper debate.

Yesterday, Senator Stratton suggested participation by Parliament in the implementation of this bill by asking, through his amendment, that the Minister of Foreign Affairs report annually to Parliament. This suggestion was rejected without any debate and without any explanation. This was a pure and simple gesture by the Senate of Canada asking for participation in the implementation of a bill that could lead to dangerous decisions, as explained by Senator Andreychuk today. This bill grants blanket immunity to official delegations, without any check whatsoever as a substitute for what is called ministerial decisions or ministerial letters. Furthermore, it gives the RCMP extraordinary powers.

• (1540)

We can accept that reluctantly, perhaps, but we cannot accept that once these powers are given, we absolve ourselves of any responsibility of ensuring that these powers are carried on responsibly. That was all that Senator Stratton asked for yesterday: that the Minister of Foreign Affairs report annually to provide both chambers and their respective committees the opportunity to see that the intent of Parliament is carried out, and to make the minister and his department conscious of the supervisory eye of Parliament. However, this aspect was not even

debated here. As soon as the amendment was read, the yeas and nays were called. It was the same procedure with the one amendment today that covers two different aspects of the bill.

I deplore the fact that we have come to this level of debate such that no amendment is deserving of any consideration by anyone on the majority side. If this pattern continues, anyone who would believe that we are carrying out our responsibilities as a chamber of sober second thought would be living in a dream world.

Senator Kinsella: Honourable senators, if the government will not give an answer, perhaps this side will have to provide the government's answer, as well.

In the amendment that is before us, the government does not agree with clause (1), not for any reason other than it is just policy. It does not agree with any amendments that are proposed by the opposition.

The government also does not agree with amendment (b) in clause 5 on page 6 of the bill. There is no reason for that; it is just the policy of the government in the Senate — they do not give reasons. That is the best argument we are hearing from the government: Debate in the Senate is not to be engaged in, and the opposition's putting its time and effort into studying these bills, whether in committee or at third reading, is also irrelevant. Maybe the Senate of Canada has become irrelevant. Nevertheless, there is a certain seepage of sham to it. Unless this government, and those who support the government in this place, give serious consideration to this *modus operandi* which we have been seeing for the last little while, they will do great harm to this institution.

The Hon. the Speaker: Is the house ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: Will those honourable senators in favour of the motion in amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion in amendment please say "nay"?

Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators.

Hon. Terry Stratton: Honourable senators, pursuant to rule 67(1), I wish to defer the vote to the next sitting of the Senate.

Hon. Bill Rompkey: Your Honour, I propose that we defer the vote until 2:30 p.m. at the next sitting of the Senate after tomorrow.

The Hon. the Speaker: Honourable senators, the house requires unanimous agreement.

Senator Rompkey: On a point of order, Your Honour, my reading of rule 67(3) in respect of a standing vote states: "until 5:30." My interpretation is that it could be up until 5:30, but I am open to counsel on that. If it must be 5:30, then it will be 5:30.

The Hon. the Speaker: The vote will be at 5:30 p.m. unless otherwise agreed to. Is there any desire, honourable senators, to consider a time other than 5:30 on the next sitting day after tomorrow? Allow me to quote the rule. Rule 67(3) of the *Rules of the Senate* states:

When a standing vote has been deferred, pursuant to section (1) above, on a Thursday and the next day the Senate sits is a Friday, the Chief Government Whip may, from his or her place in the Senate at any time before the time for the taking of the deferred vote, again defer the vote until 5:30 o'clock p.m. on the next day thereafter the Senate sits.

Honourable senators, the vote is deferred until 5:30 p.m. at the next sitting of the Senate after tomorrow. The bells will ring at 5:15 p.m. for a vote at 5:30 p.m. Is it agreed, honourable senators?

Hon. Senators: Agreed.

BILL TO AMEND CERTAIN ACTS AND INSTRUMENTS AND TO REPEAL THE FISHERIES PRICES SUPPORT ACT

SECOND READING—DEBATE ADJOURNED

Hon. Joseph A. Day moved second reading of Bill C-43, to amend certain acts and instruments and to repeal the Fisheries Prices Support Act.

He said: Honourable senators, I am pleased to rise today to speak at second reading of Bill C-43, which makes minor technical amendments and corrections to various statutes. These amendments would not likely be substantial enough to justify several stand-alone bills.

Bill C-43 does not bring about any substantive policy changes to our statutes. Rather, like most technical amendments bills, it makes a number of important housekeeping changes to bring various statutes up to date with other statutes that have undergone changes previously. Some honourable senators may recognize certain provisions of Bill C-43 because much of it consists of amendments proposed in the Miscellaneous Statute Law Amendment, or MSLA, a matter previously reviewed by the Senate Legal and Constitutional Affairs Committee last fall.

When the House and Senate committees reviewed the original draft legislation, members asked for additional information on a number of the provisions. As a result, several provisions were excluded in the MSLA bill that passed last fall as Bill C-40.

Honourable senators, the process used for the Miscellaneous Statute Law Amendment procedure is quite different from that of regular bills.

• (1550)

In the Miscellaneous Statute Law Amendment or MSLA process, the proposals in the form of a draft bill are first reviewed by the House and Senate committees independently. If any member of either of these committees objects to any proposal, then that proposal is dropped from the draft bill.

However, Bill C-43 differs from an MSLA bill because it is a regular bill. As such, the provisions in Bill C-43 are not subject to the unique criteria of that abbreviated process.

The technical amendments bill now before us, Bill C-43, also contains some amendments that came to the government's attention after the MSLA bill process last year, including the correction of cross-references in public service pension legislation and updating the minimum age at which lieutenant-governors can begin to collect a pension. This will be of particular interest to Senator Wiebe.

I point out to honourable senators that in this bill there are 15 different statutes that we propose to amend. I do not propose to go over each of the proposed amendments at this time. My submission is that they would be better dealt with in committee. My obligation as sponsor of this bill is to help this chamber understand the general principles of the bill that I am now asking the chamber to give second reading.

Honourable senators, allow me to review some of the bill's proposed changes. We are asking that the Fisheries Prices Support Act be repealed because the Fisheries Prices Support Board, which was created by that statute, is no longer operational. The board ceased to exist in 1995 — there were no further appointments to the board — and the board has not performed any significant work since 1982. Honourable senators will understand why it would be appropriate to repeal that particular legislation.

[Translation]

Bill C-43 will amend the National Capital Act to take into account the recent municipal amalgamations in Ontario and Quebec. As a result of these amalgamations, Bill C-43 would amend the National Capital Act to take into account changes in the composition of the National Capital Commission, and changes to the boundaries of the National Capital Region.

[English]

Clauses 5 to 9 of Bill C-43 would amend the Canadian Film Development Corporation Act so that the corporation can now use the name Telefilm Canada. This is the name it normally uses, but it has not been its legal name. Bill C-43 would permit the use of the name Telefilm Canada for legal purposes.

Bill C-43 would also amend the Lieutenant Governors Superannuation Act to lower the age at which retired lieutenant-governors may begin to draw their pensions from 65 to 60. When Senator Wiebe reaches the age of 60, he would be entitled to begin to draw his pension as a retired lieutenant-governor. This amendment would bring the pension arrangements for lieutenant-governors more in line with the federal public service. Apart from reducing the age at which a person can receive a pension, no other changes are being made to the overall pension policies or arrangements for lieutenant-governors.

Bill C-43 also makes several amendments related to ACOA, the Atlantic Canada Opportunities Agency, in order to streamline the agency's administration. One amendment is to permit the minister to enter into agreements with provinces without Governor in Council approval. This is similar to the work by other ministers. Other amendments allow ACOA to enter into an arrangement with Enterprise Cape Breton to act on ACOA's behalf in that particular area within its mandate.

A final amendment to the ACOA Act would specify that the ACOA board would meet at least once per year. None of these amendments represent substantive policy amendments that affect the mandate of ACOA. Rather, they are simply designed to streamline the administration and reduce the duplication of services, rendering the agency's administration consistent with other agencies of similar nature.

Bill C-43 would amend the National Film Act, removing the requirement that appointments above a specified level must have Governor in Council approval. The National Film Board would, however, continue to be subject to Treasury Board policies.

The bill would amend the Nuclear Safety and Control Act so that the commission can establish employment standards without Treasury Board approval. However, the commission would be subject to Treasury Board policies. They just would not have to go for approval in each instance.

[Translation]

Another amendment would be to the Public Service Staff Relations Act so that student employees of the Canadian Food Inspection Agency would not be covered under that Act and not be represented by bargaining agents, consistent with other student employment programs across the public service.

[Senator Day]

Bill C-43 would also amend the Telecommunications Act to clarify that the consent of the Minister of Industry is required to begin a prosecution under Part IV.1 of the Act. This amendment is consistent with the rest of the Telecommunications Act.

Finally, this bill includes a correction to the Yukon First Nations Self-Government Act, so that the French and English versions are consistent.

[English]

Honourable senators, these amendments are all minor and technical in nature, and do not reflect significant policy issues.

[Translation]

When the Senate committee reviewed the MSLA proposals, some senators expressed concerns with the amendments to the Atlantic Canada Opportunities Agency Act, the National Film Act, and the Yukon First Nations Self-Government Act.

I understand that some senators expressed concerns either because they felt that the amendments did not meet the strict criteria of the MSLA program, or because they felt they lacked adequate information about the proposals.

Of course, Bill C-43 is not an MSLA bill, and so it is not subject to the unique criteria of the MSLA program. Instead, it is a normal bill that must go through all of the regular legislative processes.

[English]

I hope that honourable senators will support the timely second reading of this bill so that we can send it to committee where the amendments to 15 different statutes can be dealt with in detail.

On motion of Senator Kinsella, for Senator Beaudoin, debate adjourned.

• (1600)

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Poy, seconded by the Honourable Senator Banks, for the second reading of Bill S-39, to amend the National Anthem Act to include all Canadians.—(Honourable Senator Corbin).

Hon. Nicholas W. Taylor: Honourable senators, I wish to speak for a few minutes in support of Senator Poy's motion. I very much agree with the thoughts behind the motion. The idea that women should be excluded from the national anthem is one that has bothered me for some years. I do not say that because I have seven daughters who continually remind me that they must stand aside.

I should like to take a moment to read a letter from an old friend of mine who was in the Canadian Armed Forces that liberated Holland in the last war. He is quite alive and well. He says it much clearer and better than I could. The letter is from Mr. Stuart Lindop, a University of Alberta graduate who joined the Canadian army in the last war. He was with the regiment that liberated Holland. He wrote:

It has become increasingly clear that our bureaucratic spin-doctors are completely out of touch with the harsh reality of morale in the armed forces. They certainly seem to be unaware of how fragile morale can be. "Esprit de corps" which plays a vital role in morale hinges upon being certain that every member of any given unit, of whatever size; a troop, squad, company, especially a regiment, is fully trained, disciplined and prepared to lay down their very lives — if necessary — for one another. A tremendous feeling of self-worth — worthiness — is all important. A mutually shared feeling of worthiness being the key element if one is to lay one's life on the line for another human being.

Subtly, one might say subliminally, doubt about one's worthiness can have tremendous impact upon one's behaviour in a crisis situation. How about women in our various units? Their National Anthem doesn't consider them worthy of mention or recognition! If our government is really concerned about women in Canada's Armed Forces, there will not be a protracted —

— debate on the change to the national anthem.

I think that says it is better, honour senators, than any other words that I could say in support of Bill S-39.

When this bill is referred to committee, I intend to make another suggestion. If we are going to change one or two words, we should just change the word "and" to "or": "our home or native land" rather than "our home and native land." Most people mumble through the whole thing anyway, so they do not know whether they are saying one or the other. The point is that roughly one third of Canadians are immigrants to this country at any one time. The Oxford use of the English word "native" originally meant anything that not only grew naturally but could grow naturally. In other words, native grasses did not have to be native but could be planted. In modern usage, "native" also means born there; consequently, "our home and native land" refers only to those who are born in Canada. Those born outside of Canada are excluded.

Honourable senators, I will move an amendment at committee stage — I am told that is the best place to do it — to replace the word "and" with "or": "our home or native land."

[Translation]

Hon. Eymard G. Corbin: Honourable senators, it is with little enthusiasm that I rise on a Thursday, at 4:05 p.m. I know that honourable senators have other things on their mind right now, but since I spent many Thursdays listening to other senators, I will take a few minutes to give you my thoughts on our national anthem.

On June 18, 1980, I supported the current texts of Canada's national anthem. There are not one but two national anthems in Canada. There is also Canada's royal anthem, but we will not talk about this one.

When we look at the history of our national anthem, and I am referring to the French version, to the *O Canada!* where it says "Terre de nos aïeux, Ton front est ceint de fleurons glorieux!", I get the impression that I am living in another century, in the century of Louis XIV with his lace, fleurons, crowns and swords. I find that this is a text that does not at all reflect contemporary Canada and the Canada we want for our successors and our children. This is a religious and military text. If we look at the other verses of the national anthem, that is Routhier's original poem with its four verses, we see that it is first and foremost a text that was written for Saint-Jean-Baptiste Day, in Quebec. This is the origin of the hymn in French. Later on, poets from English Canada were asked to write an English version. The English text is not a translation of the French text. Far from it.

Senator Poy wishes to modify the English text, and I commend her on her initiative. I am not annoyed with her, but how long will we keep this up? One honourable senator wants to propose an amendment, and Senator Taylor has proposed another amendment. Will we go on this way for ten years? Twenty years? Twenty-five years? Rewriting a text that was a literary text to begin with? Let us describe it as a poem, if we could, both in French and in English. A literary text is fundamentally a work of art. I know of no one who wants to change poems written by Mallarmé, Rimbaud, Victor Hugo or our French-Canadian or Acadian poets. We do not fiddle with them. A poem is fundamentally conceived as a product of its time. It is a testimony that reflects the time and the state of mind of the artist that conceived it. Even though the two texts of *O Canada* are now public domain, this does not mean that we should permit ourselves to change these fundamental texts left and right. This is what bothers me.

I supported Minister Fox's initiatives in the House in 1980. I was tempted to let them know how I felt. I did not. I felt the same way then as I do today.

• (1610)

This is a ridiculous situation. We talk about Canadian unity, yet we have a text based on completely antiquated concepts and ideas. In English as well, we have a text which is solemn in nature, but which in no way reflects the Canada of today.

We can agree on the origins of the country but, since the great migrations in the 1900s, Canada has fundamentally changed and continues to change in its composition and in its objectives. We have only to think of our national situation in North America with everything going on around us to have no trouble saying: "we stand on guard for thee."

We will continue to "porter l'épée," but these are not the right words to inspire future generations and make them proud to be Canadians.

This is my point of view. I am not asking you to agree with me. I have never been moved by either the French or the English versions. Obviously, we all want to have a national symbol to identify with. If it is not the flag, it is the national anthem. We have had heated discussions about the Canadian flag and about the national anthem. The latter was adopted gradually and with difficulty. And, even today, it is obviously far from satisfactory to everyone. It is obviously a compromise, and an odd one at that. This is perhaps Canada's problem, that we can never agree on anything.

What does this national anthem mean to Senator Cook, who has lived in Newfoundland, the last province to join Canada? What does she feel when she sings "O Canada, our home and native land..."?

Surely she must feel a wave of nostalgia for her lost Newfoundland, with whatever autonomy it had, since it was dependent on the British Crown at the time.

Nor is it the kind of national anthem which necessarily binds Canada together from coast to coast. We have regional tensions, we have known strong separatist tensions. Such tensions still exist in certain parts of the country.

I suggest that we continue to sing the national anthem. Make small changes along the way, if you wish, but I think that at some point, if not in five years, then perhaps in ten, we should launch a national contest for a Canadian anthem which expresses the same sentiments in both languages and which genuinely reflects how Canadians think and feel.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I am totally in agreement with the principle of national unity which Senator Corbin has stressed. It is essential to have a national anthem singable by everyone.

There could be a bilingual anthem, with the first two lines in English, the third and fourth in French, and so on. That was sometimes done in the Montreal Forum. That way, Canadians could sing part of the words in French and part of the words in English. On special occasions, everyone could then be singing the same words. What does Senator Corbin think of this proposal?

Senator Corbin: Senator Kinsella's proposal is interesting, but not new. I recall that a lady living in Quebec City proposed the same thing back when we were looking at the many private members' bills on our national anthem.

[Senator Corbin]

This might cause some problems. Not long ago, Canadians did not even like having French on their cereal boxes. I do not know whether attitudes have changed enough in Canada since then, but the proposal is attractive. We do, after all, have an Official Languages Act, and perhaps that is the way we need to go.

I am quite convinced that our younger generation which, in all parts of the country, is taking immersion courses in both official languages, would support this idea. Canada is, however, not exclusively composed of young people, and older people may be a little less flexible on this. Ideally, I do believe that Canada will go that route, one day.

Hon. Laurier L. LaPierre: Honourable senators, how can we not acknowledge that a country is a continuum?

[English]

It begins somewhere, and it continues. Whether you are at the beginning, in the middle, or toward the end of it, you are still a part of it, completely and in its entirety. Consequently, this nonsense of attempting to significantly alter our national anthem is, in a sense, a plot which, at the end of the day, weakens it considerably.

"Native land," whether you were born here 40,000 years ago, in 1653, as I was, or yesterday, or whether you came the day before yesterday, it is still your native land because you accept it, unless you have become the type of person who essentially wishes not to accept the continuing reality of what Canada is. It is the native land of all the people who are here, and therefore the little children who will be born of those who come today or tomorrow will say, "Where the heck is my native land?" Should their parents, through a fiat of some sort, say: "No, it is no longer my native land"? The native land is Canada. There is no other native land. Whether you are born here or whether you have come here, that is what it means, and that is what it is all about.

I will not involve myself in the discussion that the English-speaking Canadians wish to have about whether the words "our sons" include or do not include the daughters. That is their business. They can do what they want with that part of their hymn. It is not my business; it is theirs.

On the other hand, I would like you to understand that the national hymns of peoples all over the world are written at moments of great crisis in order to bring about a sense of community, of cohesion, among the people.

• (1620)

The words of the French national anthem are horribly threatening and frightening. They reflect the destruction of an entire way of life.

[Translation]

However, it was necessary, at one point in the history of France, to rally the French people at the dawn of their new age of liberty. It is the same thing with our national anthem, which was written at a great but difficult time in our history. This anthem, these words are sacred, and they belong to all Canadians.

[English]

The English version is the same. It was written just before the First World War, a crisis of great dimension in our reality as a nation. A poet wrote a hymn to enable people to understand the events, and we recently celebrated the eighty-fifth anniversary of Vimy Ridge.

I beg honourable senators to stop this exercise. We cannot rewrite the national anthem every generation. The national anthem is reflective of the continuity of life. It belongs to Canada, to the generations that have gone before us and to the generations that will come after us. It does not belong to senators who currently exist. It belongs to the people of Canada.

May I remind honourable senators that the foundation of this country is pluralism and diversity, which includes bilingualism and the acceptance of and respect for other nations and other peoples. If we do not accept diversity and pluralism, we will die as a people. We will have no reason at all for existence.

I travel the length and breadth of this country all the time, and on every occasion that I sing *O Canada*, I sing the French version. Next to me stands a person who sings the English version, and my heart soars because I have accepted diversity. People who accept diversity do not kill one another. They love and respect each other and they express that in their songs, their dance and their stories. That is what this is all about.

I might be forced to move that we change the oath of allegiance, that we eliminate the monarchy in Canada, and that we stop all the bowing and scraping in this chamber, with the carrying of rods, et cetera, in order to adjust to the new reality of Canada. All of this protocol is completely irrelevant to 95 per cent of Canadians. I will not do that, but you are telling me that we must change our national anthem in English now, and tomorrow or the day after in French, because it is not acceptable to the present generations.

Honourable senators, if you do that, everything will be on the table and everything will have to change, because the principle will stand. I do not want it to change.

Furthermore, what about the native people who have been on this sacred land of theirs for 40,000 years? Where is their hymn? They are not even mentioned. I have not heard one person wanting to change the anthem to reflect their presence among us. Why is that? The sons and the daughters of the rich and the famous wish to be included in their national hymn. The people who come on planes from around the world to our beautiful country no longer wish to call this land their native land. Yet, no one has suggested that we add at least a paragraph to celebrate the contributions of the first peoples of our country, without whom we would not be here in the first place.

Consequently, I beg honourable senators to stop this nonsense once and for all. Let us galvanize ourselves to sing *O Canada* in both languages. If I knew the language of the Dene or other first peoples, I would give them a version in order that I could sing it with them. This is what Canada is about.

On motion of Senator Jaffer, debate adjourned.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

ELEVENTH REPORT OF COMMITTEE DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Austin, P.C., seconded by the Honourable Senator Fairbairn, P.C., for the adoption of the eleventh report of the Standing Committee on Rules, Procedures and the Rights of Parliament, entitled: *Modernizing the Senate Within: Updating the Senate Committee Structure*, presented in the Senate on March 20, 2002.—(Honourable Senator Di Nino).

Hon. Laurier L. LaPierre: Honourable senators, Senator Di Nino has yielded his place to me, and I stand to support the eleventh report of the Standing Committee on Rules, Procedures and the Rights of Parliament entitled "Modernizing the Senate Within: Updating the Senate Committee Structure."

I approve of the recommendation that we put committees into different blocks. Unfortunately, two of the committees on which I sit are in block two and I will need to stop sitting on one of them if this recommendation becomes the rule. However, I have been promised by the whip that, if I am nice and good, I will be able to sit on the Agriculture and Forestry Committee, which will be in block three.

I should like the Rules Committee to seriously consider changing the name of that committee to "Agriculture, Forestry and Rural Development." Rural development is increasingly becoming a big issue in our country. Consequently, it is important that we address it in a significant way.

There is another issue with which I should like the Rules Committee to deal. When someone cannot attend a committee, we receive a computerized notice requesting a replacement for that senator. As do other honourable senators, I go to those committees. I even go to the Banking Committee, even though I can hardly keep order in my own bankbook. However, I am not prepared to contribute at that committee because I have been given no information.

Would it be possible for each committee to have a slate of alternates who have agreed to be called upon to replace a senator who is unable to attend? Such a system would enable us to receive information on the issue that the committee is studying and we would be better informed. That may be a better way of proceeding.

Next, there was a question about the cost of special committees. I suggested that we should have inquiries before the Senate agrees to a special committee to do a special study. If there is no great interest in the matter, senators would so indicate by not talking about it.

• (1630)

While I am on the subject of inquiry, it would be helpful to have a rule suggesting that a proposal for an inquiry, for example, does not last as long to authorize it than the 15 days which are accorded for its discussion. For example, today we spent an enormous amount of time on an inquiry that may go down the pipe.

While I am at it, and I come back to Senator Corbin's remarks to Senator Gauthier, the interpreters could not follow Senator Cools, who had to read "the bible" so quickly. The result is that senators who depend upon the interpretation were impaired in their capacity to participate in the debate in this chamber. Consequently, their right has been in some way affected, and therefore there ought to be a rule that we should take enough time as we read "the bible" for the interpreters to interpret it.

As far as the oath is concerned, when Senator Lavigne did what he did, my heart pumped faster than usual. I was delighted. I have taken ceremonies of citizenship oaths as an Officer of the Order of Canada, and I have always deplored that we did not swear allegiance primarily to our country, Canada, rather than to a figurehead who lives so far away across the sea. When he said "Canada," I said to myself:

[Translation]

"Laurier, you are supposed to have guts."

[English]

"And you did not have the guts to do that when you were sworn in."

I know the complication which has arisen from this, but there may be an opportunity in the future for the Rules Committee to look at the oath.

Next, honourable senators, we do not have enough celebrations. This year is the 50th anniversary of the tradition of having a Canadian-born Governor General as the Crown's representative in this country. The first Canadian Governor General was not Mr. Massey; the first was Vaudreuil in 1755. However, that was in another era, and therefore it must belong to our sons, daughters and native land, and that sort of thing. Mr. Massey, in the new era of Confederation, was the first Canadian Governor General, 50 years ago. What about 50 years of television, the Canadian Broadcasting Corporation, the

National Ballet, the Canada Council, the Théâtre du Nouveau Monde: When do we mark these events? We should invite those people and their representatives here and celebrate the great contribution in Stratford, the great contribution they have made to our country, and we do not do that. We should celebrate more often than we do.

My last recommendation follows. On Wednesday nights, the Standing Committee on Rules, Procedures and the Rights of Parliaments should organize a salon so that we can go sit down somewhere, drink some good port or good Canadian wine and talk among ourselves. We never do. We debate. We yell at each other through five sword lengths between us. Whatever that means to the current generation of Chinese people who live in Richmond is beyond me, but that is another problem. We could perhaps begin to talk with one another and have a pleasant time, maybe get to know each other better, and then perhaps we will not be inimical from time to time with one another.

I want the rules to take on our life, to be able to help us to reach the highest levels of discussion, ideas and the manifestation of friendship and pluralism, which is so important in our country.

The Hon. the Speaker: This debate is under the name of Senator Di Nino. Is it agreed that the debate will stay under the name of Senator Di Nino?

Hon. Senators: Agreed.

Order stands.

[Translation]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, April 23, 2002, at 2 p.m.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, April 23, 2002, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(1st Session, 37th Parliament)
Thursday, April 18, 2002

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act respecting marine liability, and to validate certain by-laws and regulations	01/01/31	01/01/31	—	—	—	01/01/31	01/05/10	6/01
S-3	An Act to amend the Motor Vehicle Transport Act, 1987 and to make consequential amendments to other Acts	01/01/31	01/02/07	Transport and Communications	01/05/03 amended 01/05/09	3	01/05/10	01/06/14	13/01
S-4	A First Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	01/01/31	01/02/07	Legal and Constitutional Affairs	01/03/29	0 + 1 at 3rd	01/04/26	01/05/10	4/01
S-5	An Act to amend the Blue Water Bridge Authority Act	01/01/31	01/02/07	Transport and Communications	01/03/01	0	01/03/12	01/05/10	3/01
S-11	An Act to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other Acts in consequence	01/02/06	01/02/21	Banking, Trade and Commerce	01/04/05	17 + 1 at 3rd	01/05/02 Senate agreed to Commons amendments 01/06/12	01/06/14	14/01
S-16	An Act to amend the Proceeds of Crime (Money Laundering) Act	01/02/20	01/03/01	Banking, Trade and Commerce	01/03/22	0	01/04/04	01/06/14	12/01
S-17	An Act to amend the Patent Act	01/02/20	01/03/12	Banking, Trade and Commerce	01/04/05	0	01/05/01	01/06/14	10/01
S-23	An Act to amend the Customs Act and to make related amendments to other Acts	01/03/22	01/05/03	National Finance	01/05/17	11 + 2 at 3rd 01/06/06	01/06/07	01/10/25	25/01
S-24	An Act to implement an agreement between the Mohawks of Kanesatake and Her Majesty in right of Canada respecting governance of certain lands by the Mohawks of Kanesatake and to amend an Act in consequence	01/03/27	01/04/05	Aboriginal Peoples	01/05/10	0	01/05/15	01/06/14	8/01
S-31	An Act to implement agreements, conventions and protocols concluded between Canada and Slovenia, Ecuador, Venezuela, Peru, Senegal, the Czech Republic, the Slovak Republic and Germany for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	01/09/19	01/10/17	Banking, Trade and Commerce	01/10/25	0	01/11/01	01/12/18	30/01

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-33	An Act to amend the Carriage by Air Act	01/09/25	01/10/16	Transport and Communications	01/11/06	0	01/11/06	01/12/18	31/01
S-34	An Act respecting royal assent to bills passed by the Houses of Parliament	01/10/02	01/10/04	Rules, Procedures and the Rights of Parliament	02/03/05	4 + 1 at 3rd	02/03/19		
S-40	An Act to amend the Payment Clearing and Settlement Act	02/03/05	02/03/12	Banking, Trade and Commerce	02/03/14	0	02/03/19		
S-41	An Act to re-enact legislative instruments enacted in only one official language	02/03/05	02/03/20	Legal and Constitutional Affairs					

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-2	An Act to amend the Employment Insurance Act and the Employment Insurance (Fishing) Regulations	01/04/05	01/04/24	Social Affairs, Science and Technology	01/05/03	0	01/05/09	01/05/10	5/01
C-3	An Act to amend the Eldorado Nuclear Limited Reorganization and Divestiture Act and the Petro-Canada Public Participation Act	01/05/02	01/05/10	Energy, the Environment and Natural Resources	01/06/06	0	01/06/12	01/06/14	18/01
C-4	An Act to establish a foundation to fund sustainable development technology	01/04/24	01/05/02	Energy, the Environment and Natural Resources	01/06/06	0	01/06/14	01/06/14	23/01
C-6	An Act to amend the International Boundary Waters Treaty Act	01/10/03	01/11/20	Foreign Affairs	01/12/12	0	01/12/18	01/12/18	40/01
C-7	An Act in respect of criminal justice for young persons and to amend and repeal other Acts	01/05/30	01/09/25	Legal and Constitutional Affairs	01/11/08 negative 01/12/10	11 1 at 3rd 01/12/13	01/12/18	02/02/19	1/02
C-8	An Act to establish the Financial Consumer Agency of Canada and to amend certain Acts in relation to financial institutions	01/04/03	01/04/25	Banking, Trade and Commerce	01/05/31	0	01/06/06	01/06/14	9/01
C-9	An Act to amend the Canada Elections Act and the Electoral Boundaries Readjustment Act	01/05/02	01/05/09	Legal and Constitutional Affairs	01/06/07	0	01/06/13	01/06/14	21/01
C-10	An Act respecting the national marine conservation areas of Canada	01/11/28	02/02/05	Energy, Environment and Natural Resources					
C-11	An Act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger	01/06/14	01/09/27	Social Affairs, Science and Technology	01/10/23	0	01/10/31	01/11/01	27/01
C-12	An Act to amend the Judges Act and to amend another Act in consequence	01/04/24	01/05/09	Legal and Constitutional Affairs	01/05/17	0	01/05/29	01/06/14	7/01
C-13	An Act to amend the Excise Tax Act	01/04/24	01/05/01	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	15/01
C-14	An Act respecting shipping and navigation and to amend the Shipping Conferences Exemption Act, 1987 and other Acts	01/05/15	01/05/30	Transport and Communications	01/10/18	0	01/10/31	01/11/01	26/01

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-15A	An Act to amend the Criminal Code and to amend other Acts	01/10/23	01/11/06	Legal and Constitutional Affairs	02/02/19	2 + 1 at 3rd 02/03/12	02/03/19		
C-17	An Act to amend the Budget Implementation Act, 1997 and the Financial Administration Act	01/05/15	01/05/30	National Finance	01/06/07	0	01/06/11	01/06/14	11/01
C-18	An Act to amend the Federal-Provincial Fiscal Arrangements Act	01/05/09	01/05/31	National Finance	01/06/12	0	01/06/12	01/06/14	19/01
C-20	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2001	01/03/21	01/03/27	—	—	—	01/03/28	01/03/30	1/01
C-21	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/03/21	01/03/27	—	—	—	01/03/28	01/03/30	2/01
C-22	An Act to amend the Income Tax Act, the Income Tax Application Rules, certain Acts related to the Income Tax Act, the Canada Pension Plan, the Customs Act, the Excise Tax Act, the Modernization of Benefits and Obligations Act and another Act related to the Excise Tax Act	01/05/15	01/05/30	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	17/01
C-23	An Act to amend the Competition Act and the Competition Tribunal Act	01/12/11	02/02/05	Banking, Trade and Commerce					
C-24	An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts	01/06/14	01/09/26	Legal and Constitutional Affairs	01/12/04	0 + 1 at 3rd	01/12/05	01/12/18	32/01
C-25	An Act to amend the Farm Credit Corporation Act and to make consequential amendments to other Acts	01/06/12	01/06/12	Agriculture and Forestry	01/06/13	0	01/06/14	01/06/14	22/01
C-26	An Act to amend the Customs Act, the Customs Tariff, the Excise Act, the Excise Tax Act and the Income Tax Act in respect of tobacco	01/05/15	01/05/17	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	16/01
C-27	An Act respecting the long-term management of nuclear fuel waste	02/03/05	02/03/20	Energy, Environment and Natural Resources					
C-28	An Act to amend the Parliament of Canada Act, the Members of Parliament Retiring Allowances Act and the Salaries Act	01/06/11	01/06/12	—	—	—	01/06/13	01/06/14	20/01
C-29	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/06/13	01/06/14	—	—	—	01/06/14	01/06/14	24/01
C-30	An Act to establish a body that provides administrative services to the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court and the Tax Court of Canada, to amend the Federal Court Act, the Tax Court of Canada Act and the Judges Act, and to make related and consequential amendments to other Acts	02/03/05	02/03/12	Legal and Constitutional Affairs	02/03/21	0	02/03/27	02/03/27	8/02
C-31	An Act to amend the Export Development Act and to make consequential amendments to other Acts	01/10/30	01/11/20	Banking, Trade and Commerce	01/11/27	0	01/12/06	01/12/18	33/01

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-32	An Act to implement the Free Trade Agreement between the Government of Canada and the Government of the Republic of Costa Rica	01/10/30	01/11/07	Foreign Affairs	01/11/21	0	01/11/22	01/12/18	28/01
C-33	An Act respecting the water resources of Nunavut and the Nunavut Surface Rights Tribunal and to make consequential amendments to other Acts	01/11/06 (withdrawn 01/11/21)	01/11/27	Energy, the Environment and Natural Resources	02/03/21	1	02/03/26		
	01/11/22 (reintroduced)								
C-34	An Act to establish the Transportation Appeal Tribunal of Canada and to make consequential amendments to other Acts	01/10/30	01/11/06	Transport and Communications	01/11/27	0	01/11/28	01/12/18	29/01
C-35	An Act to amend the Foreign Missions and International Organizations Act	01/12/05	01/12/14	Foreign Affairs	02/03/13	0			
C-36	An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism	01/11/29	01/11/29	Special Committee on Bill C-36	01/12/10	0	01/12/18	01/12/18	41/01
C-37	An Act to facilitate the implementation of those provisions of first nations' claim settlements in the Provinces of Alberta and Saskatchewan that relate to the creation of reserves or the addition of land to existing reserves, and to make related amendments to the Manitoba Claim Settlements Implementation Act and the Saskatchewan Treaty Land Entitlement Act	01/12/04	01/12/17	Aboriginal Peoples	02/02/19	0	02/02/20	02/03/21	3/02
C-38	An Act to amend the Air Canada Public Participation Act	01/11/20	01/11/28	Transport and Communications	01/12/06	0	01/12/11	01/12/18	35/01
C-39	An Act to replace the Yukon Act in order to modernize it and to implement certain provisions of the Yukon Northern Affairs Program Devolution Transfer Agreement, and to repeal and make amendments to other Acts	01/12/04	01/12/12	Energy, the Environment and Natural Resources	02/03/07	0	02/03/27	02/03/27	7/02
C-40	An Act to correct certain anomalies, inconsistencies and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal certain provisions that have expired, lapsed, or otherwise ceased to have effect	01/11/06	01/11/20	Legal and Constitutional Affairs	01/12/06	0	01/12/10	01/12/18	34/01
C-41	An Act to amend the Canadian Commercial Corporation Act	01/12/06	01/12/14	Banking, Trade and Commerce	02/02/07	0	02/02/21	02/03/21	4/02
C-43	An Act to amend certain Acts and instruments and to repeal the Fisheries Prices Support Act	02/04/16							
C-44	An Act to amend the Aeronautics Act	01/12/06	01/12/10	Transport and Communications	01/12/13	0	01/12/14	01/12/18	38/01
C-45	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/12/05	01/12/17	—	—	—	01/12/18	01/12/18	39/01

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-46	An Act to amend the Criminal Code (alcohol ignition interlock device programs)	01/12/10	01/12/12	Committee of the Whole	01/12/12	0	01/12/13	01/12/18	37/01
C-49	An Act to implement certain provisions of the budget tabled in Parliament on December 10, 2001	02/03/19	02/03/20	National Finance	02/03/25	0	02/03/27	02/03/27	9/02
C-51	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	02/03/20	02/03/25	--	--	--	02/03/26	02/03/27	5/02
C-52	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003	02/03/20	02/03/26	--	--	--	02/03/27	02/03/27	6/02

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
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SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	01/01/31	01/01/31	National Finance	01/03/28	5	referred back to Committee 01/10/23		
S-7	An Act to amend the Broadcasting Act (Sen. Finestone, P.C.)	01/01/31	01/02/07	Transport and Communications	01/06/05	0	01/06/07		
S-8	An Act to maintain the principles relating to the role of the Senate as established by the Constitution of Canada (Sen. Joyal, P.C.)	01/01/31	01/05/09	Rules, Procedures and the Rights of Parliament					
S-9	An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools)	01/01/31							
S-10	An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate) (Sen. Grafstein)	01/01/31	01/02/08	--	--	--	01/02/08 Senate agreed to Commons amendment 01/12/12	01/12/18	36/01
S-12	An Act to amend the Statistics Act and the National Archives of Canada Act (census records) (Sen. Milne)	01/02/07	01/03/27	Social Affairs, Science and Technology	01/12/14	0	referred back to Committee 02/03/25		

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-13	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	01/02/07	01/05/02	Rules, Procedures and the Rights of Parliament (Committee discharged from consideration—Bill withdrawn 01/10/02)					
S-14	An Act respecting Sir John A. Macdonald Day and Sir Wilfrid Laurier Day (Sen. Lynch-Staunton)	01/02/07	01/02/20	Social Affairs, Science and Technology	01/04/26	0	01/05/01	02/03/21	2/02
S-15	An Act to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada (Sen. Kenny)	01/02/07	01/03/01	Energy, the Environment and Natural Resources	01/05/10	0	01/05/15	Bill withdrawn pursuant to Commons Speaker's Ruling 01/06/12	
S-18	An Act to Amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	01/02/20	01/04/24	Social Affairs, Science and Technology (withdrawn) 01/05/10	01/11/27	0			
S-19	An Act to amend the Canada Transportation Act (Sen. Kirby)	01/02/21	01/05/17	Energy, the Environment and Natural Resources					
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	01/03/12		Transport and Communications					
S-21	An Act to guarantee the human right to privacy (Sen. Finestone, P.C.)	01/03/13	Dropped from Order Paper pursuant to Rule 27(3) 02/04/16	(Subject-matter 01/04/26 Social Affairs, Science and Technology)	(01/12/14)				
S-22	An Act to provide for the recognition of the Canadian Horse as the national horse of Canada (Sen. Murray, P.C.)	01/03/21	01/06/11	Agriculture and Forestry	01/10/31	4	01/11/08		
S-26	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	01/05/02	01/06/05	Transport and Communications					
S-29	An Act to amend the Broadcasting Act (review of decisions) (Sen. Gauthier)	01/06/11	01/10/31	Transport and Communications					
S-30	An Act to amend the Canada Corporations Act (corporations sole) (Sen. Atkins)	01/06/12	01/11/08	Banking, Trade and Commerce					
S-32	An Act to amend the Official Languages Act (fostering of English and French) (Sen. Gauthier)	01/09/19	01/11/20	Legal and Constitutional Affairs					
S-35	An Act to honour Louis Riel and the Metis People (Sen. Chalfoux)	01/12/04							

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-36	An Act respecting Canadian citizenship (Sen. Kinsella)	01/12/04		(Subject-matter 02/04/16 Social Affairs, Science and Technology)					
S-37	An Act respecting a National Acadian Day (Sen. Comeau)	01/12/13	02/03/27	Social Affairs, Science and Technology					
S-38	An Act declaring the Crown's recognition of self-government for the First Nations of Canada (Sen. St. Germain, P.C.)	02/02/06							
S-39	An Act to amend the National Anthem Act to include all Canadians (Sen. Poy)	02/02/19							
S-42	An Act to amend the Canada Post Corporation Act (householder mailings) (Sen. Taylor)	02/03/26							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-25	An Act to amend the Act of incorporation of the Conference of Mennonites in Canada (Sen. Kroft)	01/03/29	01/04/04	Legal and Constitutional Affairs	01/04/26	1	01/05/02	01/06/14	42/01
S-27	An Act to authorize The Imperial Life Assurance Company of Canada to apply to be continued as a company under the laws of the Province of Quebec (Sen. Joyal, P.C.)	01/05/17	01/05/29	Legal and Constitutional Affairs	01/05/31	0	01/05/31	01/06/14	43/01
S-28	An Act to authorize Certas Direct Insurance Company to apply to be continued as a company under the laws of the Province of Quebec (Sen. Joyal, P.C.)	01/05/17	01/05/29	Legal and Constitutional Affairs	01/05/31	0	01/05/31	01/06/14	44/01

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(HANSARD)

Tuesday, April 23, 2002

THE HONOURABLE DANIEL HAYS
SPEAKER



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THE SENATE

Tuesday, April 23, 2002

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

INTERNATIONAL PLAN OF ACTION ON AGEING

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I rise this afternoon to report on the Second World Assembly on Ageing, which was held in Madrid, Spain, from April 8 to 12, 2002.

I was delighted to represent Canada and to lead the Canadian delegation at this assembly. The meeting was convened to provide a cooperative forum for governments and societies to plan policies to help to ensure that older persons can continue to contribute to society in a meaningful way and to the best of their abilities.

I was proud to report that Canada was a partner in addressing issues discussed at the First World Assembly on Ageing two decades ago and that its successive governments have helped Canadians to improve their health and financial security in their senior years.

The Canadian delegation in Madrid participated in the development and adoption of a new International Plan of Action on Ageing. This plan aims to ensure that older people fully realize their human rights; achieve secure and poverty-free aging; fully take part in economic, political and social life; and have opportunities for personal development. The plan also focuses on the elimination of violence and discrimination against older persons, gender equality, the importance of families, health care and social protection. The paper provides an overview of issues related to seniors and aging and highlights key federal initiatives being undertaken to promote healthy aging for seniors of today and tomorrow.

The International Plan of Action on Ageing is posted on the United Nations Web site. Specific information about Canada's participation in the second world assembly, including links to the material from the United Nations, is available through the Health Canada's Web site on seniors and aging, which can be located at www.hc-sc.gc.ca/seniors-aines.

The federal government intends to share this plan with all concerned stakeholders. It also notes the great progress Canada has made in terms of reducing poverty among Canadian seniors through improvements to our retirement income system.

The Government of Canada will continue to work with provinces, territories and all stakeholders on such key issues as health care reform, to ensure that Canada remains well-positioned to respond to the challenges of an aging society.

Honourable senators, the demographics of the world are changing. In 2001, one Canadian in eight was aged 65 years or older. By 2026, one Canadian in five will have reached age 65. Worldwide, there are currently 629 million people aged 60 or above. Canada can learn from the experience of others and share its own experience.

We were proud to be able to work in productive partnership with our fellow members of the United Nations to modernize the International Plan of Action on Ageing and to help ensure that we are building a society for all ages.

[Translation]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the international community, including the United Nations, has recognized the contemporary social, economic and political challenges caused by an aging world population.

Recognition of the problems must be matched by concrete government action. We have therefore committed our party to the appointment of a Minister of State for Seniors to ensure that the unique needs of seniors will be properly addressed across government departments.

As our Progressive Conservative platform states:

Policies must also be developed to enable a greater number of Canadian seniors in need of care-giving to remain in their own homes, rather than in more expensive institutional accommodations where their independence suffers.

A Progressive Conservative government would double to \$800 the value of the tax credit currently given to Canadians who care for a low-income elderly parent, grandparent, or infirm relative in their home.

A Progressive Conservative government would not raise CPP contribution rates beyond levels adequate to ensure the long-term viability of the Plan.

A Progressive Conservative government would require that members of the Canada Pension Plan Investment Board have pension fund or investment expertise.

A Progressive Conservative government would appoint the Auditor General as the auditor of the CPP Investment Board.

I would encourage the federal government to look at these suggested policies, put partisanship aside and deal with this fast approaching challenge.

[English]

INTERCHANGE OF CANADIAN STUDIES

YELLOWKNIFE CONFERENCE—NINE DENE LAWS

Hon. Laurier L. LaPierre: Honourable senators, last week, in the city of Yellowknife, 300 Grade 11 students from across the country spent a week discussing culture, language and values in a society in the process of change. They also came to encounter the culture of the North and be introduced to the way of life of the Dene people.

The week-long program was organized by Interchange on Canadian Studies, a 31-year old organization of teacher-volunteers dedicated to provide opportunities for young people to meet and to listen to other voices.

The territories of the Northwest Territories and Nunavut paid for the rendezvous of the young. Through this experience, the young people came to know the nine Dene laws, the gifts of Yamoria. I pass on these laws to honourable senators because they may be of some use to us.

These nine laws are: share what you have; help each other; love each other as much as possible; be respectful of elders and everything around you; sleep at night and work during the day; be polite and do not argue with anyone — that is one I could follow more closely; young girls and boys should behave respectfully; pass on the teachings; and, finally, be happy at all times.

CANADA BOOK DAY

Hon. Joyce Fairbairn: Honourable senators, today, across this country, citizens of every age are celebrating Canada Book Day, our seventh annual book celebration in this country. Today, it meshes with International Book Day.

We celebrate this day annually in this chamber. It serves to remind us of what tremendous writers we have in this country, writers who produce books that enrich our lives. It also gives us an opportunity to reflect on all those Canadians who have difficulty reading. It helps us to restore our efforts to pursue a learning and literacy culture in this country.

It is also a day when you give a book to a friend. Canada Book Day celebrates libraries, which leads me to believe that Senator John Lynch-Staunton, who is the recipient of my annual book, would love to receive something from one of our finest authors in this country, an author who happens to be the Chief Librarian of the National Library of Canada, Roch Carrier.

With a signature from Roch and all best wishes for another year of reading from myself, I would like to present to Senator Lynch-Staunton *Our Life With the Rocket* by Roch Carrier.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I thank Senator Fairbairn for what has become an annual tradition, which I no longer forget. I take this opportunity to congratulate her on her continuing efforts on

behalf of literacy in this country, which is a problem — even a plague — of which not enough of us are aware. Her efforts and those of others are going a long way to reducing illiteracy, if not eliminating it. I congratulate her again.

In any issue in which the honourable senator becomes involved, success usually ensues. Therefore, I have a book for her, which requires a commitment to which governments over the years have only paid lip service. The name of the book is *Frederick Street: Life and Death on Canada's Love Canal*. It is a story of the Sydney cesspool which contains over 700,000 tonnes of toxic sludge. It is a site 35 times worse than the infamous Love Canal.

While the honourable senator may be surprised by the seriousness of the topic, I am certain that she will be pleased to know that its authors are two people for whom she has great admiration. They are Maude Barlow and Elizabeth May.

The credibility of the book certainly will not be challenged on the other side.

I am only sorry to say that, as I purchased the book, I had to pay GST on it.

Some Hon. Senators: Oh, oh!

Senator Lynch-Staunton: I hope that next year, or in the next session of Parliament, Senator Di Nino's amendment, which was a replica of Senator Fairbairn's at the time, to eliminate the GST on books, will finally be realized. When it is, I will offer her two books on the Canada Book Day immediately following.

[Translation]

RADIO-CANADA

LOCKOUT

Hon. Jean-Claude Rivest: Honourable senators, information is undoubtedly a prerequisite to good democratic life. In Canada, we are lucky enough to benefit from the French and English CBC public networks. The government seems relatively unmoved by the fact that employees of the French network in Montreal and Moncton are on strike. Of course, the government will invoke labour relations laws and procedures, as well as collective agreement provisions.

The Government of Canada should get more involved, to the extent that two basic claims made by Radio-Canada employees are related to the very core of the government's choices and policies. Employees in Montreal and Moncton are demanding, among other things, pay equity for women. This government policy is not applied by the CBC's French network. This is unacceptable.

Another demand has to do with equity and equal treatment for employees of the French and English networks. I believe the Government of Canada supports parity and equal opportunities for Canada's two major linguistic groups.

[Senator Kinsella]

Honourable senators, I do not understand why the government is letting this dispute drag on, considering that it deprives residents of Quebec and Moncton of their right to be informed through Radio-Canada. The government does not seem to care about the outcome and the ramifications of the negotiations, which concern two aspects of its policy. A minister should get involved to inform management at Radio-Canada of the government's position on pay equity and equal opportunities for both linguistic groups.

[English]

INTERNATIONAL DAY OF BOOKS FOR YOUNG PEOPLE

Hon. Landon Pearson: Honourable senators, today, we are commemorating a number of singular events — the birth of Shakespeare, the real birth date of our Queen, the birth of my father-in-law, the late Lester B. Pearson, and Canada Book Day. However, the day I would like to bring to the attention of honourable senators took place at the beginning of the month, when we were not sitting.

On April 2, the International Day of Books for Young People, I was delighted to participate in the launch of The Fun of Reading — Lire me sourit, an international forum on Canadian children's literature that the National Library has organized for June of next year, to mark its own fiftieth anniversary and to celebrate books and young readers everywhere.

I would like to share with honourable senators a few words that I said on that day.

The world of the imagination created by children's literature has been described by a French critic as the Republic of Childhood, a world unbounded by language or political barriers. When I was a child, before the Second World War, I came home every week from the local library carrying the whole world with me in the form of myth, legend, fairy- and folk-tale. Thirty years before we went as a diplomatic family to live in New Delhi and forty years before arriving in Moscow, I played with the child Krishna on the banks of the Ganges and had been frightened by Babi Yaga in the depths of the Russian forest. But I had not been able to go very far in Canada.

Now, however, Canadian children's books are among the best in the world and my grand-children have an emotional link to dimensions of this country that were beyond my childhood ken. Of course, both history and immigration over the last seventy years have greatly enriched our national fabric and I am sure that the enlightened policies of the Canada Council, what is now known as Heritage Canada, and the National Library itself have helped to create the bounty of books our children can now enjoy.

However, in June 2003 we're not just going to celebrate all the books that have been written in Canada in recent years, we are also going to celebrate the fun of reading.

• (1420)

And what is the best way to ensure that children love to read? It's for their parents and other significant grown-ups to read to them as babies and toddlers, holding them in their arms and showing them the pictures and the words. This is what my parents did for me, and what we did for our children and what they (and we) are doing for theirs. When books carry the warmth of a remembered embrace and happy sharing, children learn to read with pleasure and the world unfolds before them. Of course, schools have a vital role to play in teaching children to read but literacy, in the fullest sense of the word, starts in the earliest years with the capture of the child's imagination through evocative images and tales that are read out loud.

Maxim Gorky, the Russian writer, who defended children's literature during the worst of Soviet times, had a lived understanding of books. His own otherwise wretched childhood was redeemed by a loving grandmother who told him stories and gave him access to books. "Like birds out of fairy tales," he later wrote, "books sang their songs to me."

ROUTINE PROCEEDINGS

ACCESS TO INFORMATION AND PRIVACY VERSION OF NATIONAL COUNTERTERRORISM PLAN

TABLED

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, pursuant to rule 28(3), I wish to table the ATIP version of the National Counterterrorism Plan, as requested by Senator Forrestall on March 21, 2002.

BILL TO CHANGE THE NAMES OF CERTAIN ELECTORAL DISTRICTS

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-441, to change the names of certain electoral districts.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Robichaud, bill placed on the Orders of the Day for second reading two days hence.

ACCESS TO CENSUS INFORMATION

PRESENTATION OF PETITIONS

Hon. Lorna Milne: Honourable senators, once again I rise with the honour to present 370 more signatures from Canadians, in the provinces of British Columbia, Alberta, Manitoba, Ontario, Quebec, New Brunswick and Nova Scotia, who are researching their ancestry. I also have signatures from 177 people, in 12 states of the United States and from 16 people in the United Kingdom who are researching their Canadian roots. A total of 563 people are petitioning the following:

Your petitioners call upon Parliament to take whatever steps necessary to retroactively amend Confidentiality-Privacy clauses of Statistics Acts since 1906, to allow release to the Public, after a reasonable period of time, of Post 1901 Census reports starting with the 1906 census.

I have now presented petitions with 17,617 signatures to this Thirty-seventh Parliament and petitions with over 6,000 signatures to the Thirty-sixth Parliament, all calling for immediate action on this important matter of Canadian history.

Honourable senators, it will not stop.

QUESTION PERIOD

JUSTICE

OATH OF ALLEGIANCE— AMENDMENTS TO CONSTITUTION

Hon. Lowell Murray: Honourable senators, my question is for the Leader of the Government in the Senate. Our discussions last week on a specific case involving the Oath of Allegiance have given rise to a number of inquiries and questions. Therefore, could the honourable senator obtain from her cabinet colleague, the Minister of Justice, a response to the following questions: First, which of the amending formulas would apply to any amendment to section 128 of the Constitution Act of 1867; second, would the same amending formula apply to schedule five of the Constitution Act of 1867, which contains the actual wording of the oath?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for that question. I received a letter in my office shortly before I entered the chamber to indicate that Senator Lavigne had taken the oath in the office of the Clerk of the Senate this morning. That aspect of the earlier questions has been resolved.

In respect of the honourable senator's question about which amending formula would apply — either 7/10 or unanimity — and which formula would apply to schedule five, I do not have that information at my fingertips. However, I will try to obtain the information for him at the earliest opportunity.

NATIONAL DEFENCE

AFGHANISTAN—DEATHS OF SOLDIERS—SUPPLY OF SURFACE-TO-AIR IDENTIFICATION DEVICES

Hon. Gerry St. Germain: Honourable senators, my question is for the Leader of the Government in the Senate. There is information available that the U.S. Air National Guard F-16C that mistakenly fired on Canadian units in Afghanistan, killing four soldiers, carried a cockpit data system designed to reduce such identification errors on the battlefield. However, our Canadian troops may have lacked key radio devices, that are widely issued to U.S. troops, to transmit their locations automatically to a display inside the pilot's cockpit. Could the Leader of the Government in the Senate provide honourable senators with some definitive information about this?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I appreciate the question that has come from the Honourable Senator St. Germain this afternoon.

It is important for us to recognize that inquiries into this tragic event began in Canada yesterday and will begin in the United States tomorrow, and that we should not prejudice the inquiries. There is much speculation about what might have been available or about what was not available. However, at this stage it seems to be speculation. Canadian troops would be best served, and we would be best served, if we were to wait until these inquiries are completed.

I believe the honourable senator is making a specific reference to a piece of equipment called the Enhanced Position Location Reporting System, also known as the EPLRS. It is true that Canadian Forces do not hold the EPLRS in their inventory, and it is also true that U.S. ground forces do not have it in their inventory.

Senator St. Germain: Honourable senators, I do not think it is a question of prejudging or trying to usurp the inquiry. We currently have troops on the ground in Afghanistan, and there is nothing to ensure that we will not have a reoccurrence of the same unfortunate incident. I am not speculating. My understanding is that there is a piece of equipment called the Situation Awareness Data Link. This issue is not meant to grandstand or sensationalize, but rather this issue is of key interest in the spirit of creating a safer environment for our troops. I cannot see that it would be a costly acquisition, and if something can be done, let us do it right away. We should not wait for an inquiry because we may have another accident in the interim. That is the point of my question for the Leader of the Government in the Senate.

• (1430)

I am aware of the piece of equipment to which she referred. However, another piece of equipment is available that provides information to pilots as to the location of troops on the ground and even in the air. It is called the SADL. Does the honourable senator have any comment on that?

Senator Carstairs: I do not have any comment on the particular piece of equipment to which the honourable senator refers. I will not comment any further on what is occurring within this inquiry, as I am not a military expert. Quite frankly, even if they gave me very detailed information, I am not that sure I would understand all of it. I will wait until this inquiry comes down with its interim report, which will be in 19 days.

AFGHANISTAN—DEATHS OF SOLDIERS— UNITED STATES AND CANADIAN INQUIRIES

Hon. John Lynch-Staunton (Leader of the Opposition): Canada will have an observer and a participant on the inquiry that the Americans are setting up. I have read that the Canadian officer there will be able to ask questions of witnesses. Could the minister tell us, or find out if she does not know, whether the United States asked to have an observer on the Canadian inquiry, and if not, did Canada invite the United States to have an observer? It would help both sides to have a representative on the board of inquiry of the other.

Hon. Sharon Carstairs (Leader of the Government): My understanding is they, too, will share information. They will also be able to participate in our inquiry. We will have more details on their inquiry tomorrow, at which point we will know the manner in which the two inquiries are working.

Questions have been asked about the pilot and whether he will be a witness. He may make the decision not to be a witness. He can make that decision under the American Constitution.

[Translation]

FOREIGN AFFAIRS

ORGANIZATION FOR PROHIBITION OF CHEMICAL WEAPONS—DISMISSAL OF DIRECTOR GENERAL

Hon. Pierre Claude Nolin: Honourable senators, my question is for the Leader of the Government in the Senate. This morning, we learned that the campaign led by the United States for over two months to have José Bustani, the Director General of the Organization for the Prohibition of Chemical Weapons, dismissed, has unfortunately been successful. At a special meeting of the OPCW held on April 21 and 22 in The Hague — a meeting organized at the request of the Americans —, delegations from 115 countries were to vote on a U.S. resolution calling for the dismissal of Mr. Bustani. Yesterday evening, Mr. Bustani was officially relieved of his duties after 48 countries voted in favour of the U.S. proposal, seven voted against, and 43 abstained.

Some of you will perhaps be surprised by this news. However, I would remind you that we all received an E-mail late last Thursday afternoon describing the dubious diplomatic manoeuvring being done by the U.S. delegation in order to get around the OPCW's senior management.

Since this is the first time a director general of an international organization has been dismissed during his term of office, would the Leader of the Government in the Senate inform the members of this Chamber as to the position taken by the Canadian delegation with respect to Mr. Bustani at the special meeting of the OPCW? Would she tell us on what criteria Canada based its decision?

[English]

Hon. Sharon Carstairs (Leader of the Government): The honourable senator is quite right. Mr. José Bustani of Brasil, Director-General of the Organisation for the Prohibition of Chemical Weapons, or the OPCW, was indeed dismissed by a vote last evening. Canada supported that vote, as we considered it in the best interests of the organization. In our view, an immediate change of leadership was the only realistic way a clearly emerging crisis could be quickly and effectively resolved.

[Translation]

Senator Nolin: Honourable senators, less than two years ago, members of the OPCW, including Canada and the United States, unanimously renewed Mr. Bustani's mandate for five years before his term of office expired. What is the explanation for this last minute about-face? I can understand that your answer must be as diplomatic as the position taken by Canada yesterday, but in my view, this is an example of an important about-face in international law and international politics. This is only one part of a long saga and we will certainly have the opportunity to come back to it.

According to reports in the European media since last Friday, the United States pressured a number of delegations taking part in the special meeting of the OPCW to support their proposal. So that we can better understand the Canadian position in this affair, would the Honourable Senator Carstairs tell us whether conversations took place between U.S. and Canadian diplomats concerning the dismissal of Mr. Bustani before yesterday's vote?

[English]

Senator Carstairs: I cannot tell the honourable senator whether the Canadian and American delegations have spoken to one another, although it is logical to assume they have. However, I can tell him that Canada raised concerns almost 20 months ago with respect to his leadership not being conducive to the smooth functioning of the OPCW. We could not get support at that particular time. Our specific concern was that he seemed to be incapable of fostering a positive and constructive relationship between the technical secretariat, the executive council and the states party to the CWC.

[Translation]

Senator Nolin: Based on the information provided by the minister, we will be able to verify the facts and review the string of events in order to understand what happened. The Americans are using their economic might to influence the course of world history. I have nothing against a country acting in this way, but if it does so against the interests of Canada, we must oppose it in a subtle and effective manner.

Honourable senators, yesterday's decision may well have a negative impact on the activities and credibility of the OPCW. It could also undermine the enforcement of provisions of the Chemical Weapons Convention at a time when, now more than ever, it is necessary to prevent terrorist attacks using such devices.

Since Canada was one of the main architects of the Chemical Weapons Convention, can the Leader of the Government indicate to the members of the chamber if Canada's commitments toward this treaty have been changed as a result of yesterday's decision? In other words, will Canada continue to defend the principles of this treaty and the existence of the OPCW internationally in order to prevent the proliferation of chemical weapons?

[English]

Senator Carstairs: It was due to our concern that this organization be active and working in a positive direction that we voted the way we did. It appeared that there was a breakdown between the actions of this particular individual and the committees with which he had to work. I can also assure the honourable senator that although there may have been a request by the United States government to the Brazilian government, we made no such request to the Brazilian government.

[Translation]

Senator Nolin: I have one last question, honourable senators. In this chamber, we need not be diplomatic, so we will be blunt. As long as Mr. Bustani required the convention signatories to be efficient when asking for assistance during the inspections carried

out by the organization in these countries, there were no problems. The problem arose when Mr. Bustani required the same inspections on American soil and when he made requests concerning American chemical weapons storage facilities. That is when the Americans dug their heels in and decided to request Mr. Bustani's dismissal.

Does the minister not see this as an imminent danger, the fact that there is a double standard when it comes to enforcing a convention that is so dear to Canadians?

[English]

Senator Carstairs: Clearly, I cannot answer for the American government's decisions and the actions they may have taken based on those decisions. I want to reiterate that this entire file has been of concern to Canada for almost two years, and that we raised the concerns first prior to his re-appointment.

We could get no support at that particular point. The problems continued. That is why we voted as we did last evening.

• (1440)

FISHERIES AND OCEANS

NORTHWEST ATLANTIC FISHERIES ORGANIZATION— SURVEILLANCE AND INSPECTION

Hon. Ethel Cochrane: Honourable senators, the Canadian fishing industry is being gravely undermined by the loose inspection and surveillance regulations of NAFO, the Northwest Atlantic Fisheries Organization. An article in *The Telegram*, the St. John's daily paper, on Thursday past, said that sources in the fishing industry say that foreign factory freezer trawlers, which are ships that process fish at sea, are given a full day's notice by the patrol boat *Kommandor Amalie* before on-board inspections are carried out.

The article also indicates that it is the crew of the foreign vessel that selects the fish to thaw for inspection. Interestingly, and I would suggest far more effectively, here at home Canadian patrol boats are not required to give, nor do they give, advance notice of boarding to domestic fishing vessels.

In March, the Russian trawler *Olga* docked at Conception Bay South in Newfoundland. When inspectors boarded, they found 49 tonnes of cod, which allegedly were caught illegally. It is worth noting that one month earlier the same trawler, *Olga*, refused to allow Canadian inspectors on board. Eventually, *Olga* left port without being charged and with the questionable cod still on board. After all, NAFO rules dictate that it is up to the home country of the vessel to lay a charge.

My question to the Leader of the Government in the Senate is this: What is the government doing to ensure that NAFO develops adequate surveillance and inspection measures that need to be — to borrow Minister Gerry Byrne's words — “enforceable and concrete?”

[Senator Nolin]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank Senator Cochrane for her question. Clearly, it is an issue that is of particular concern to the East Coast, but also, on occasion, to the West Coast.

With respect to the NAFO rules, for lack of a better word because the rules seem not so concrete in terms of their application, the Canadian government raised the issue at a meeting held in January 29 to February 1, 2002. At that point, we exposed the non-compliance by a number of foreign vessels, including Spanish and Portuguese, during the last three years. We will continue to push with NAFO for stronger rules and regulations that would be more in line with our domestic rules.

NATIONAL DEFENCE

ATTRITION RATE OF CREWS OF HMCS *PRESERVER* AND HMCS *HALIFAX*

Hon. J. Michael Forrestall: Honourable senators, I have a question for the Leader of the Government in the Senate. Can the Leader confirm that 90 of the 300 plus crew of the HMCS *Preserver*, as well as 40 to 45 of the 250 plus crew of the HMCS *Halifax*, have asked to leave the military after their Operation Apollo tour of duty is completed?

The minister will recognize this as a very significant attrition rate. If it is true, I would appreciate knowing how many releases have been sought from the crew of these two ships, and are there any other applications?

Hon. Sharon Carstairs (Leader of the Government): I am sure the honourable senator would know that I would not have that kind of detailed information at my fingertips. He has asked a serious question, particularly if the attrition rate numbers are as great as he has indicated for those crews having served in the Apollo mission. I will try to get him that information as quickly as I can.

AFGHANISTAN—SPECIAL DUTY AREA PENSION ORDER—REQUEST FOR UPDATE

Hon. J. Michael Forrestall: Honourable senators, I would be grateful if the Leader of the Government in the Senate would give the chamber a further update on the status of the government amendment to the special duty area pension order to include Operation Apollo in Afghanistan?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I do not think that it would surprise Senator Forrestall that I specifically asked that question of staff yesterday. Like him, I am concerned that this order be put in place.

I am told that the Department of Defence and the Department of Veterans Affairs are working together on this Order in Council. However, I have not yet been given a firm date as to when it will be achieved.

AFGHANISTAN—SOLDIER RECIPIENTS OF UNITED STATES BRONZE STAR MEDAL— POSSIBILITY OF OPERATION APOLLO MEDAL

Hon. Michael A. Meighen: Honourable senators, my question is also to the Leader of the Government in the Senate. I am sure that the minister was as distressed as I was to read reports this morning in the media that allegedly, the day before Bronze Star Medals were to be awarded to five Canadian serving personnel by the American authorities, the presentation was blocked, and the medals were not awarded.

My information, subsequent to reading that article, was that the decision to block the presentation has been reversed, or that the first report was incorrect. In any event, the five Canadians who distinguished themselves so well in Afghanistan will be able to receive the awards that Americans grant to members of foreign Armed Forces serving alongside them. Could the minister please confirm that the awards will proceed?

At the same time, could she also indicate to honourable senators whether the government is planning to create a unique Canadian medal for members of our Armed Forces serving in Operation Apollo?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I do not know if a particular medal will be struck for this operation. We have done such in the past, and I would assume we might well do it in the present and in the future. I have no information to that effect.

The matter of the recipients of the American Bronze Stars, as you know, was somewhat complicated by one of the individuals having been returned to Canada and possibly facing a court marshal for inappropriate behaviour, regrettably. It is my understanding that the presentation was delayed because of that possible court marshal. However, the medals have now been granted to those soldiers in good standing.

Senator Meighen: Honourable senators, I have a very brief supplementary question: I understand from the minister that the report that the blockage was caused by reasons of "Canadian protocol" is not correct, but rather was caused by questions arising regarding the possible inappropriate behaviour of one of the proposed recipients who had to be returned to Canada?

Senator Carstairs: From my understanding and information, which I will give here, there had been no recommendations forwarded from the theatre, so there was a protocol problem for a period of time. However, there was the additional problem of the behaviour of one possible recipient.

[Translation]

DELAYED RESPONSE TO ORAL QUESTION

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table a delayed response to an oral question raised by Hon. Senator Forrestall on March 21, 2002, concerning the national counterterrorism plan.

SECURITY AND INTELLIGENCE

COUNTERTERRORISM PLAN

(Response to question raised by Hon. J. Michael Forrestall on March 21, 2002)

The National CounterTerrorism Plan is the Government of Canada's primary mechanism for ensuring a coordinated policy and operational response to a domestic terrorist incident. The Plan details roles and responsibilities, and notification procedures for alerting federal authorities and for accessing specialized federal resources. The Plan carries a "For Official Use Only" security designation to facilitate distribution of the Plan to those who need to know, particularly the police.

The Plan contains sensitive information, particularly information that describes how Canada is structured to respond to terrorist incidents, and response times and operational capability of specialized resources such as Joint Task Force 2 and the Joint Chemical, Biological, Radiological, Nuclear (CBRN) Response Team. The disclosure of this sensitive information could jeopardize public safety as it would give terrorists the information they need to circumvent counterterrorist arrangements in order to carry out terrorist acts to maximum destructive effect. For this reason, the Plan has been vetted for disclosure.

Resuming debate on the consideration of the fifth report (final) of the Standing Senate Committee on National Security and Defence entitled: *Canadian Security and Military Preparedness*, deposited with the Clerk of the Senate on February 28, 2002.—(Honourable Senator Lapointe).

Hon. Douglas Roche: Honourable senators, the Canadian flag over my home in Edmonton is at half-mast today in honour of four Canadian soldiers accidentally killed by a U.S. bomb. My heart goes out to the families and friends of Sgt. Marc D. Leger, Cpl. Ainsworth Dyer, Pte. Richard A. Green and Pte. Nathan Smith. My prayers are with the eight other Canadian soldiers who were injured. They were doing their job. They deserve our gratitude and respect.

There is no doubt that Canada must work to rid the world of terrorism, but we must ask ourselves the following questions: Has the Government of Canada made the right decision in sending Canadian Armed Forces into combat in Afghanistan? Why are Canadian Forces not assigned to stabilization operations rather than combat? Are we getting ourselves into a never-ending war by our desire to show the United States that we support their war on terrorism? Is the Canadian military being integrated into U.S. defence operations? These are questions that cry out for answers, but there has not been a full debate in Parliament to search out the answers.

[English]

ORDERS OF THE DAY

OFFICIAL LANGUAGES

EIGHTH REPORT OF JOINT COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighth report of the Standing Joint Committee on Official Languages entitled: *The Official Language Minority Communities Told Us...*, tabled in the Senate on April 18, 2002.—(Honourable Senator Maheu).

Hon. Shirley Maheu moved the adoption of the report.

Motion agreed to.

• (1450)

SURVEY OF MAJOR SECURITY AND DEFENCE ISSUES

REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—DEBATE CONTINUED

On the Order:

At least the tabling of the report entitled "Canadian Security and Military Preparedness," issued by the Standing Senate Committee on National Security and Defence, affords us an opportunity to explore Canadian security with a view to strengthening it in a post-September 11 world. The Senate committee should go on with its work, but to be truly effective, it needs to address the root causes of terrorism and political violence as well as concentrate on the proper ways to control it.

The response of the U.S. to terrorism, which Canada quickly joined, has been deeply flawed. Bombing and other forms of violence have made the situation worse. Unless core issues of marginalization and disempowerment in regions of conflict are addressed, an expanded cycle of violence lies ahead.

That is why a better response is needed in this chamber of sober second thought. Let us look at the Senate report with appreciation but also with the desire to strengthen the committee's important work.

There are, certainly, aspects of the report that I applaud. It calls for a probe into the alarming level of criminal activity at Canadian ports of entry. We should support suggestions that there be more information and intelligence sharing, joint police exercises and better technology. All of these suggestions address the new threats posed by globalization. Canada cannot afford the repercussions in trade if countries are afraid to ship goods through ports infiltrated by criminal elements.

[Senator Robichaud]

The report ought to have been a catalyst for re-ordering Canada's security priorities and preparing its military for the new security environment, but it offers too little and resurrects a logic more in tune with the militarization and narrow focus of the Cold War than with the reality of globalization today. Much of the report rehashes language and ideas that should have fallen into disuse along with the Berlin Wall.

The report states that "...a credible foreign policy is dependent upon a robust defence capability..." and that "Canada requires conventional war fighting capabilities to respond to all types of threats..." At page 89, the report ends by stating:

In the real world, an ongoing military premium must be paid...to maintain peace.

Let us talk about the real world, honourable senators. For several decades, even before the end of the Cold War, the world has been undergoing dramatic changes in the way it operates. These changes have been quite contradictory. On the one hand, worldwide connectivity has widened markets, expanded trade and finance, and facilitated transportation. On the other hand, this global circuitry, along with a relaxing of border controls, has widened the gap between the rich and poor, fuelled civil conflict and fanaticism, and enhanced the predatory power of illicit arms, drug merchants and money launderers. That is the dark underbelly of globalization.

The only thing that is certain in this era is that nothing is purely domestic or international any more. The world cannot be neatly divided between East and West, North and South, or between those who are "with the terrorists" and those who are not. It cannot be tamed through buying more guns and building higher walls.

No study of security against terrorists is complete without examining how non-military forms of intervention can be more effective in dealing with the root causes of terrorism. The Senate committee report is silent on this, when it should have been calling for greater investment in democracy building, election monitoring, civilian peace monitoring, violence containment, security sector reform and restorative justice.

Is the consequence of September 11 to be a never-ending war? That is the question the Senate committee should have focused on. A proper study of security policies in the new age demands the views of experts in far more fields than just the military.

The increased threat of terrorism is just one of the many perils of living in a global village. Treating terrorism as if it were some country to be guarded against — by increasing military spending and the size of the army — will do little to address a challenge that pays little regard to national boundaries. In the global village, someone else's problems sooner or later become our own problems, no matter how high we build the wall.

Such is the case with poverty, which serves as a breeding ground for terrorism. That was the main message of the International Conference on Financing for Development in Monterey, Mexico, last month. However, the Senate committee report is the latest in a long line of Canadian responses to the current security situation mired in the kind of short-range thinking that the Monterey conference was trying to bury.

Since September 11, Canada has lifted its sanctions on Pakistan for its 1998 nuclear tests, tightened its immigration and refugee laws, limited civil rights, sent our largest military force since the Korean War to Afghanistan, not as peacekeepers but as part of the U.S. force and without a UN mandate. The Senate report comes out in favour of NATO expansion and is demanding an immediate \$4-billion increase in defence spending.

Many Canadians — I am one of them — oppose such an unwarranted increase in defence spending when there are so many unfulfilled social needs at home, such as more federal money for the federal health care system. Also, there are many valid arguments to oppose the further expansion of NATO, which would bring still more nations into a nuclear weapon-armed Western military alliance. These arguments need to be heard clearly, as I trust they will be in the forthcoming government reviews of Canada's foreign and defence policies. At least the Senate committee got it right when it said that defence policy should flow from foreign policy and that a foreign policy review should precede a defence review.

• (1500)

The report states that Canada must "play catch-up." What are we catching up to? The United States has shown its disdain for international treaties, backing out of the Anti-Ballistic Missile Treaty, the Comprehensive Test Ban Treaty and the Kyoto Protocol. The U.S. is now considering not only opposing the Rome Treaty, which set up the International Criminal Court, but removing its signature altogether. This attitude is undercutting efforts both by other countries and civil society groups to strengthen the international rule of law.

It is natural for Canadians to respond with sympathy and shock to the tragedy of our neighbours, but the Canadian response has been consumed by a whirlwind of U.S. decision making that shows no signs of abating. We need to stop for a second and think about where we want to go as a nation. Such has been the spirit behind my efforts in this chamber to study the national missile defence issue. Although I introduced a motion to study NMD well over a year ago, it has been an uphill battle just to have it considered.

In preparing for its report, the committee met with U.S. congressional and administrative leaders, including the Secretary of Defence, and was able to talk openly about missile defence. I searched in vain for balanced views of those who would have warned that a missile defence system would ignite a new nuclear arms race and be the first step in the weaponization of space. Such a balanced view was expressed in the chairman's factual summary of the two-week, non-proliferation treaty conference of the United Nations, which I attended last week. I quote from that report:

Concern was expressed that the decision by the United States to withdraw from the ABM Treaty, and the development of missile defence systems, could lead to a new arms race, including in outer space, and negatively affect strategic stability and international security.

I repeat, honourable senators: That quotation is from a report of the United Nations that was agreed to by all parties at the conference.

We need to understand how this issue and the others I have mentioned fall into the broader security context and see if what is currently unfolding is to our liking and in tune with Canadian values. These values are clear and have been actively promoted for decades. They can still be found on government Web sites: support and trust of the United Nations as the guarantor of international peace and security, multilateralism and working through international consensus; compassion and humanitarianism; the rule of law; and sustainable development to achieve common security. However, this policy, marked by long-term thinking and peace-building, appears to be giving way to one marked by short-sightedness and militarism.

September 11 was a wake-up call for globalization. We need to see terrorism for what it is and adjust our focus accordingly. Canada has come to a juncture and faces a choice: Do we continue with the U.S. down the current path, marked as it is by uncertainty and over which we have little control, or will we take responsibility for our own policies and make them our own? In effect, the choice is one of driving or being driven.

The fact is that Canada has been a pioneer since the mid-1990s in understanding globalization and preparing the international community for it. From Canada's efforts to ban land mines, to creating an international criminal court, to its work on debt forgiveness, our country has demonstrated the skill and knowledge to adapt to this new era.

We need to develop the political will and leadership to lift up the international policy formation process and build a truly global security architecture. However, first we must shed the fortress mentality that has dominated our policies since September 11 and start thinking in terms of cooperation and involvement. We must build bridges, not walls.

Hon. Michael A. Meighen: Honourable senators, at the outset of my remarks, I congratulate my colleagues on the committee, particularly the chair, Senator Kenny, and deputy chair, Senator Forrestall, as well as the staff of the standing committee for producing what I think is a comprehensive and carefully considered report.

I also appreciated very much listening to Senator Roche. I am sure that he will agree with about as much of my speech as I agreed with his, and that is not saying it is inconsiderable. There was much in Senator Roche's speech of which I approve and much that I think is not mutually exclusive to the thrust that I should like to put forward. I do not think it is a question of one or the other, but rather of both approaches at the same time.

[Senator Roche]

Honourable senators, we have firmly entered a new century, and with it, unfortunately, have come novel and brazen and very real threats to our security as Canadians. This unanimous report of the committee is significant if for no other reason than it is among the first attempts to describe and come to grips with those threats. In doing so, the report offers 19 unanimous recommendations that go to the heart of Canada's national security and defence policy.

How the government responds to those recommendations will determine what kind of Canada we will live in as the century unfolds. Will we live in a country that shouts about international responsibility, only to then duck it? Will it be one that proclaims the importance of democratic values and then shrinks from defending them? Will Canada become a country that, when it comes to international security, is heard but not seen? If present trends continue, the answer to many of those questions will be a resounding and disappointing yes. Soon we may become known around the world as the nation that — with apologies to Theodore Roosevelt — talks lofty and offers a leaky ship.

Let me be clear. I have nothing but admiration for the way our soldiers, sailors and airmen and women have acquitted themselves in the war. They have done us proud time and time again, but now is the time, honourable senators, for us to do them proud. How much longer can we expect them to carry out an ever-increasing number of tasks without providing them with the wherewithal in personnel and equipment to undertake them?

[Translation]

Senator Forrestall has given us a detailed description of the committee's findings on the most significant shortcomings in Canada's defence and security policies and programs. I will not go into much detail on what he has so skilfully presented already. I want to support what he says. The Canadian defence and security policy is in a state of emergency at this time, and this cannot help but worsen under a government that is denying the situation. Not only do our forces suffer from a lack of personnel, equipment and resources, but all the other components of our security framework are in the same sorry state.

[English]

Senator Forestall mentioned our significant ports, where crime, as Senator Roche noted, if you will excuse me, is indeed a significant problem. The government seems to deny this, yet witness after witness who appeared before our committee told another story. Union representatives spoke of systematic intimidation of container inspectors by criminals. Intelligence analysts spoke of infiltration in the ports by a wide range of organized crime groups from the Asian Triads through Russian gangsters to narco-terrorists. Customs officials complained that they were understaffed and underequipped, both in the quantity and quality of technology available to them. The federal police who used to patrol these ports have long since been disbanded.

Honourable senators, the situation in our significant ports is nothing short of a disaster waiting to happen. However, the government seems determined not to see this, just as they do not see why we need an expanded foreign intelligence gathering capacity. Here again, they seem to be in denial, with the Deputy Prime Minister recently indicating that it is enough for Canada to cooperate in intelligence-sharing with its allies. In other words, Canada will continue to seek a free ride. How much longer can we expect to do so without contributing our fair share?

• (1510)

Honourable senators, this government's propensity for denial is at its most egregious when it comes to denying our men and women in uniform the support they so desperately need, while at the same time sending them overseas more frequently and into areas of conflict of greater intensity than at any time in recent memory. In other words, the operational tempo of our forces — the number of missions they are asked to undertake at any one time — is exceedingly high; unacceptably so, given the number of personnel under arms.

This tempo includes operations at home, such as responding to the ice storm or to the Manitoba flood, along with those undertaken abroad. We also need to factor in the fact that even when they are at home, however briefly, our troops are often away from their families for lengthy periods of time, whether on courses or undergoing training.

[Translation]

Let us take the example of the navy. In most NATO countries, sailors spend 50 per cent of their time at sea and 50 per cent on land. In Canada, the ratio is 60-40. This means that they spend 60 per cent of their time on board ship, far from their family, and 40 per cent at home. That is the official figure. Unofficially, we have been told that they spend even more time at sea than these figures would indicate.

[English]

During the 1990s, honourable senators, the operational tempo for our forces was higher than at any time since Korea; this at a time when personnel levels were dropping steadily, to a point where today they are below the mandated level of 60,000. Honourable senators, let me ask you again: How long can this go on? Not long, according to the experts.

Referring to the army, the most overtaxed of the three services, Denis Stairs of Dalhousie University outlined the problem lucidly in a speech last year. He noted the constant expectation of the political leadership in our country that Canada will be there every time we are called upon to fly our flag, no matter who the call comes from, whether it is from the United Nations, NATO, or the United States, and no matter where they ask us to go. As a result, we are overextended to the point where there is no possibility that we can sustain our contribution to Afghanistan for more than a relatively short period.

How does the government react to this? The Prime Minister seemingly promises even more troops that he is prepared to send to the Middle East, should we be asked. Speaking as one with some memory for this approach, I would like to counsel him that a philosophy of "aye, ready, aye!" is not always a successful one. Perhaps, that policy should be rethought in the present circumstances.

[Translation]

In my opinion, this is inconceivable and unreasonable. The burden is already becoming intolerable for our soldiers, who work an average of 80 days more a year than the average Canadian. Naturally, we expect our soldiers to work harder than the average person and to accept more difficult working conditions. However, we are pushing the limits, honourable senators, particularly when these difficult conditions are partly due to a serious discrepancy between what the government requires of our troops and what it is prepared to give them, which is not a lot.

In 2000, Canada stood 17th among the 19 NATO countries in terms of percentage of GNP spent on defence, 17th! And we are a G-8 country.

[English]

Honourable senators, I ask you, what more can we reasonably ask of our forces and their families? What more can we ask, without providing additional personnel and resources? It is not only the army that is bearing this intolerable burden, but the navy and the air force as well. The navy is so short of personnel that a ship preparing for deployment can only be brought up to full strength by borrowing sailors from another ship.

Operational tempo is the most common source of discontent among our forces. It is having a discernible impact on their morale, on their family life, on their health, and on their group cohesiveness; indeed, on their quality of life in general. It is small wonder then that one of the most frequently referred to reasons for leaving the forces, according to a military study, is family reasons.

Add the high and increasing operational tempo together with the lack of personnel and resources, and the Canadian Forces are not far from the breaking point. Combined, these two factors are having a devastating effect on both equipment and personnel. Outdated equipment continues to deteriorate. Exhausted personnel continue to leave or suffer from health problems such as post-traumatic stress disorder. If present trends continue, the situation will only get worse. If you do not believe me, you have only to ask the Auditor General, who, in her report last week, predicted a mass exodus from our forces within two years.

A further complicating and, indeed, somewhat discouraging factor, one for which admittedly I have only anecdotal but, I believe, reliable evidence, is that the processing of enlistments — not to mention re-enlistments — is proceeding at a snail's pace, resulting in many of those applying to serve becoming discouraged and eventually giving up in frustration.

It is this dire, or perhaps even desperate, situation that prompted our call in the report for an immediate, albeit substantial, boost in defence budget expenditures of \$4 billion and a determined effort to increase troop strength to 75,000.

What is the government's response? The response seems to be that the defence budget has been increased every year for the last three years, and that last year alone it provided a \$1.2 billion infusion to be spent over five years. It sounds good but, regrettably, it is not nearly enough. The prestigious and independent International Institute for Strategic Studies recently reported that the government had reduced the defence budget by 23 per cent between 1994 and 1998, and that military personnel were cut 24 per cent over the same period. Therefore, \$1.2 billion over five years is simply not enough, and our committee is not the only one to say so. We are joined by Auditor General, the Conference of Defence Associations, the Federation of Military and United Service Institutes of Canada, and the Council for Canadian Security in the 21st Century. All are in agreement that the Department of National Defence needs more money, generally in the order of \$1 billion, and not just this year but next year, the year after that, the year after that, and the year after that. A total of \$1.2 billion spread over five years just will not cut it. According to the Auditor General, it would not even cut it for one year.

Honourable senators, it is appropriate that the baseball season is upon us, because now is the time for our government to step up to the plate, instead of sending our Armed Forces personnel out to play hardball time and time again, without the benefit of a bat, a helmet or a full complement of players to back them. If we continue to do so, we will have abrogated our responsibility not only to our men and women under arms, but to our friends, our neighbours and our allies, who expect Canada to do its share to ensure a stable and peaceful world. We owe it to them and to ourselves.

As the committee's report points out, and as Canada's 1995 White Paper on Foreign Policy confirms, it is in our national interest to work with like-minded nations to ensure a peaceful, stable world. Otherwise, we will not continue to enjoy either security or prosperity.

While Canadian territory may not be under direct threat, Canadian national interests most certainly are, as recent history has shown us. If anything, the world is a much more dangerous and unstable place than it was 10 years ago. Just look at the crisis in the Middle East. Look at the recent past, at the hostilities that took place in Kuwait, in Rwanda, in Bosnia, in Somalia and in Kosovo. In each one of those situations, Canadian interests were at stake and Canadian Forces were involved.

While the terrorists of September 11 targeted the United States, they did so as it represented the Western democratic way of life, a way of life that we share with the United States and with many other countries. Therefore, no one should think for a minute that we are exempt from such threats. That is the surest way to invite them.

Honourable senators, last week in New York the Prime Minister recognized how important it is for developed countries to invest in Africa. It is important because it is the squalid conditions in underdeveloped countries that lead to acts of terrorism such as those that took place in September. Should we invest in Africa to remove these conditions? "Simply put," the Prime Minister said, "we cannot afford not to."

• (1520)

This report makes it plain that the same holds true for investments in defence and security. The only question I ask is this: Who is listening?

On motion of Senator Robichaud, for Senator Lapointe, debate adjourned.

[Translation]

OFFICIAL LANGUAGES

SEVENTH REPORT OF JOINT COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Callbeck, for the adoption of the Seventh Report of the Standing Joint Committee on Official Languages entitled: "*Good intentions are not enough*", tabled in the Senate on February 21, 2002.—(Honourable Senator Robichaud, P.C.).

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I am pleased to take part in the debate on the adoption of the seventh report of the Standing Joint Committee on Official Languages, entitled: "Air Canada: Good Intentions Are Not Enough." The members of the Standing Joint Committee on Official Languages examined the services offered in both official languages by Air Canada. The report presents a series of recommendations to encourage Air Canada to clearly fulfill its linguistic obligations, and to do so in a timely manner. In other words, the recommendations set out in the report ultimately seek to improve the situation, which has deteriorated in recent years, and more particularly since the Crown corporation was privatized.

Honourable senators, I have no intention of enumerating each of the recommendations here. I would simply like to express my support for the conclusions of the standing joint committee's report. I would also like to remind everyone that we must not forget the importance of citizen participation in the enforcement of the Official Languages Act. It is one of our individual responsibilities to demand that companies like Air Canada provide services in both official languages.

There is often a tendency to assume that these companies will automatically provide services in both official languages. I think we must be vigilant and ask to get these services in both official languages.

Honourable senators, if there is no demand for services, these services disappear gradually and, unfortunately, rather quickly. Francophones who are members of a linguistic minority know exactly what I am talking about. There is no need to belabour the point. We must be vigilant to ensure compliance with the Official Languages Act.

We must not hesitate to ask for services in the official language of our choice. We should not hesitate to use available tools to make ensure compliance with the act by public and parapublic bodies, such as Air Canada. We must ensure that the institutions and corporations that are governed by the Official Languages Act fulfil their linguistic obligations, and that they not only comply with the letter of the act, but also with its spirit.

Honourable senators, I support this report and I feel that it proposes major recommendations for Air Canada and for the Department of Transport. I hope that similar measures will be adopted by the other privatized companies, which are not fulfilling their linguistic obligations as they should. Compliance with the Official Languages Act is a matter of respect and dignity.

Motion agreed to and report adopted.

[English]

STUDY ON ROLE OF GOVERNMENT IN FINANCING DEFERRED MAINTENANCE COSTS IN POST-SECONDARY INSTITUTIONS

REPORT OF NATIONAL FINANCE COMMITTEE—
DEBATE CONTINUED

On the Order:

Resuming debate on consideration of the ninth report of the Standing Senate Committee on National Finance (study on the role of the government in the financing of deferred maintenance costs in Canada's post-secondary institutions), tabled in the Senate on October 30, 2001.—(*Honourable Senator Morin*).

Hon. Yves Morin: Honourable senators, I am pleased to have the opportunity to speak in this debate on the problems that our Canadian universities are facing in maintaining their buildings.

Today, our universities are facing accumulated deferred maintenance costs of potentially more than \$3.6 billion. According to the facility condition index, the average condition for all Canadian universities is ranked at 11.3 per cent. Normally, 5 per cent is considered the cut-off point above which facilities are deteriorating excessively.

Were this the only cost universities were facing, it would be daunting enough. However, universities are also facing the need to invest in expensive new technologies and in an expected growth of student enrolment of more than 20 per cent over the next 10 years.

[Translation]

Honourable senators, I do not intend to go into details on building maintenance. There are many people who are much better qualified to do so than I am. However, I would like to focus on how to reduce financial pressures on our universities, so that they can allocate more resources to maintenance — I am referring here to indirect costs relating to research.

[English]

Government of Canada support to researchers in Canadian universities comes in many forms. There are three federal granting agencies: the Canadian Institutes of Health Research, or CIHR; the Natural Sciences and Engineering Research Council, or NSERC; and the Social Sciences and Humanities Research Council, or SSHRC. These agencies provide operating grants, salary support and training awards to researchers throughout the country.

The Canada Foundation for Innovation underwrites the cost of research infrastructure while the Canada Research Chairs Program provides support both to researchers at the beginning of their career as well as to those at the pinnacle.

Further support comes from the National Centres of Excellence, Genome Canada and other targeted initiatives.

[Translation]

The extent to which a university attracts investments from these federal programs is an excellent indicator of the excellence of the institution in question. As a result, it can attract more talented people and thus embark on a cycle of innovation.

[English]

Nonetheless, there is significant cost associated with attracting federal investment — the cost of sustaining a research environment. Research is becoming a far more complex affair, requiring dedicated facilities, more sophisticated equipment, increased safety requirements and higher ethical standards for both animal and human subjects of research.

The indirect costs of research include operation and maintenance expenses, library and research archiving expenses, ethical review of research proposals, technology transfer and commercialization services, and even the provision of teaching assistants so that researchers can devote more of their time to their research. These costs create a burden on universities that they can ill afford; yet all of these indirect costs are important functions.

Technology transfer and commercialization of basic research conducted in our universities, for instance, are the fuel of economic growth and job creation. Many universities have set up offices to protect intellectual property and to help transfer discoveries to the market. However, many do not have the resources necessary to recruit people with sufficient expertise to carry out this very important task.

[Translation]

If the universities are not reimbursed for these indirect costs of research, they will have to recover them from other sources of revenue, generally those earmarked for teaching and maintenance.

• (1530)

[English]

Honourable senators, research is a critical part of the mission of our universities. Indeed, it is even more important here in Canada than many other countries because of the relative weakness in industrial research in Canada. If Canada is to achieve its goal of becoming one of the top five countries in the world for research and development performance by 2010, then we must focus on our investment in our universities where that performance will take place.

At the same time, we must recognize that teaching is also an essential function of our universities. We do not want to see funding diverted from this area in order to support research.

In the last federal budget, the Government of Canada created a one-time \$200-million fund to provide money equal to about 25 per cent of indirect research costs based on each university's share of funding from CIHR, NSERC and SSHRC. This investment is helping universities strengthen their research programs and attract and retain talented researchers. It is also helping smaller universities to become more research oriented by providing them with proportionally higher levels of funding for their indirect costs. The existence of this one-time fund recognizes that we cannot attain our federal objectives of creating and transferring new knowledge without supporting the university research environment along with the direct costs of research projects.

In establishing this fund, the federal government has followed the model of the United Kingdom and the United States, both of which support indirect costs.

The government has agreed to work with the provinces, some of which are already providing assistance with indirect costs, and with the Association of Universities and Colleges of Canada, to develop a permanent program. The Prime Minister's Advisory Committee on Science and Technology recommended such a program in its report on this subject in September 2000.

A permanent program to cover indirect costs of research would have to overcome the challenges that have faced similar programs in other countries. Funding of indirect costs cannot come at the expense of funding for the direct costs of research. I know this is a fear that many researchers, myself included at one time, have held. In addition, such funding must be clearly earmarked, and cannot be permitted to disappear into larger budgets where it will not be used for its intended purpose.

One way in which that can be accomplished is by adopting the model of the Howard Hughes Medical Institute in the United States. This is a non-profit medical research organization that employs hundreds of biomedical scientists working at the forefront of their fields. It is unique in that, when it funds a scientist, it funds all aspects of his or her work, including both direct and indirect costs of research. Imagine such a program here in Canada, where our best researchers could, for instance, receive funding for a CIHR lab in their area of specialty, funding that

would cover the costs of salaries, research assistants, space, equipment and the operation of a lab — in fact, everything from start to finish.

Honourable senators, universities need federal research dollars to participate fully as partners in Canada's innovation agenda. Canada needs university-based research to participate fully in the knowledge-based economy of the 21st century.

[Translation]

If the government were to develop an ongoing program for covering indirect research costs, this would make a great contribution to solving the problem of concern to us here, namely the costs of maintaining our universities.

[English]

The ongoing availability of a competitive research environment is a necessary condition for the success of other federal programs that sponsor research. Without this necessary investment, we face the very real prospect that our considerable investment in supporting research in Canada, our very real investment in our future, could fail. The costs to our country, to our economy, would be far greater than those associated with the costs of supporting indirect costs of research.

On motion of Senator Kinsella, debate adjourned.

STUDY ON MATTERS RELATING TO FISHING INDUSTRY

REPORT OF FISHERIES COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the fifth report of Standing Senate Committee on Fisheries entitled: *Selected Themes on Canada's Freshwater and Northern Fisheries*, tabled in the Senate on February 19, 2002.—(Honourable Senator Comeau).

Hon. Gerald J. Comeau moved the adoption of the report.

He said: Honourable senators, this report, which was tabled on February 19, sketches out what committee members heard during a series of informal meetings that took place in the years 2000 and 2001.

With its 2 million lakes and rivers that cover almost 8 per cent of the land mass, Canada has the world's largest freshwater system. Some 60 per cent of Canada's freshwater flows towards the Arctic. In turn, the Arctic accounts for about two thirds of Canada's maritime coastline.

Because of the sector's expanse, diversity and the many government jurisdictions involved, committee members limited the scope of their study to Lake Winnipeg and three areas of Canada's Arctic region, namely, Nunavut, the Northwest Territories and Nunavik in northern Quebec. Informal discussions took place in boardroom-type settings and in the form of on-site visits. Recorded hearings were later conducted in Ottawa.

[Senator Morin]

The committee had last considered the freshwater and northern sector in 1986. A northern visit was long overdue.

[Translation]

The report addresses such matters as the health of the Lake Winnipeg ecosystem, transboundary pollution in the Canadian Arctic, co-management, sustainable development in the North, scientific research, and fish stocks near Nunavut. The report contains 12 recommendations.

[English]

A major recommendation is on the pressing need to expand the work undertaken by the Freshwater Institute in Winnipeg. There, in May 2000, we met with DFO officials to learn about the activities and programs of the department's Central and Arctic Region. Bounded by 71 per cent of Canada's coastline, the Central and Arctic Region encompasses two thirds of Canada's marine waters, two thirds of Canada's freshwater and 20 per cent of the world's freshwater. As such, committee members were briefed on a wide range of subjects, including DFO's activities in the Arctic.

[Translation]

Although overshadowed by the much larger fisheries on the Atlantic and Pacific coasts, fishing in the North generates economic activity where there are few other opportunities, and where most fishers are of Aboriginal origin. Fishing is a significant contributor to household economies, a traditional way of sustenance, and a pursuit that is deeply rooted in the northern cultural heritage. There are a large number of fisheries; some are very small, but all are locally important. Another important characteristic of fishing is its isolation and the high costs of transporting products to southern markets.

[English]

While a sense of "northernness" is an important aspect of the Canadian identity, we were told that getting northern issues on the political agenda is always difficult. This region faces many challenges — high unemployment, accelerating social change, and a young and rapidly growing population dependent on the renewable resource base. Industrial development is also expected to put increasing pressure on wildlife, including fish and their habitat. At the same time, Aboriginal people deeply wish to maintain their traditional way of life.

Many northern communities are looking to the fisheries for the economic benefits they generate. However, comparatively little scientific information exists on northern ecosystems and fish stocks. It is important to note that northern waters are particularly vulnerable to pollution because the cold climate slows chemical and biological processes that affect their ability to recover. Fish are also vulnerable to overfishing because of their slower growth rate.

The committee concluded that a more sizeable investment in research for stock assessments, scientific studies and on-going monitoring, is essential if safe harvesting levels are to be set, fish habitats preserved, and emerging fisheries are to proceed in a sustainable manner. The acquisition of an icebreaker dedicated to serving the needs of the research community in the Arctic would be an invaluable tool for advancing Canada's conservation networks in that region.

• (1540)

Honourable senators, our study was tabled in February. More recently, on April 7, 2002, *The Edmonton Journal* reported the following on page A-1:

"Embarrassing, pathetic and scandalous" are the words that —

— University of Alberta scientist John England —

— used to describe Canada's commitment to Arctic science in recent years. The federal government, however, has found it hard to fight back. The United States, for example, spends \$300 million U.S. a year on polar research. In contrast, the Natural Sciences and Research Council of Canada spends less than \$3 million of its \$500 million budget on polar science. Sweden spends more than four times that much.

On April 11, 2002, the *Toronto Sun* reported that Canadian scientists have been "concerned about the uncertainty of project funding...the lack of equipment and their future as researchers." Many of them have left for the United States, some of whom are "known worldwide." They are lost to us now. These are reportedly people at the peak of their careers, who "conduct valuable research into fish stocks, climate change and the use of chemicals."

Honourable senators, scientific research is critical if Canada is to fulfil its international commitments to protect Arctic ecosystems. A steward of one quarter of the world's northern circumpolar region, Canada has a major stake in conserving renewable resources and protecting the Arctic environment. Canadians claim sovereignty in the region, and it is incumbent on us to conduct research within our own territory. In the North, the issue of contaminants — or transboundary pollution — is a very serious one for Canadians living in the region because traditionally harvested "country food," including marine mammals and fish, make up the substantial part of their diet. The impact of global warming on ecosystems, wildlife and animal migrations was raised in every community we visited. Time and again we were told that climate change is well under way. We heard that animals were appearing in areas where they had not previously been seen and that coastlines were changing due to the melting of the ice.

[Translation]

Obviously, contaminants in the Arctic and global warming are international problems. A single department or country will not resolve them; it will take a concerted and sustained international effort, and international co-operation.

It will also take ecosystem-oriented multidisciplinary approaches, and we must make use of traditional ecological knowledge — the precious knowledge which Aboriginals have acquired over the centuries by living in close harmony with the land and the sea.

[English]

While in Manitoba, we heard a great deal about Lake Winnipeg, the largest and most economically important body of water west of the Great Lakes and the world's tenth largest freshwater lake. Its surface area is greater than that of Lake Ontario. The economic and aesthetic values of Lake Winnipeg are equally considerable. Fish are an obvious source of wealth. The lake supports the largest commercial freshwater fishery west of the Great Lakes. However, in spite of its significance, comparatively few studies have been carried out on this very important body of water.

Research on Lake Winnipeg is critically important because of a number of worrying trends, such as significant changes in water transparency, biological species composition, productivity and sediment chemistry. We learned that the lake is on a path of degradation through nutrient enrichment not unlike what had been seen in the lower Great Lakes during the late 1960s. There has also been a recent invasion by rainbow smelt, which could alter the structure of the lake's food web.

To address the pressing need for research, the Lake Winnipeg Research Consortium was formed in August 1998. In May 2000, in Gimli, committee members met with representatives of the consortium, who described the activities they undertake to: facilitate multidisciplinary scientific research; encourage the sharing of information among stakeholders; and assist in the coordination of specific research ventures involving universities, governments and private interests.

The committee recommended that government actively encourage and financially support the formation of organizations, such as the Lake Winnipeg Research Consortium, that promote public and private partnerships as well as collaborative, cooperative and multidisciplinary research.

In Nunavut, an area near and dear to Senator Adams' heart, we had the pleasure of a great host. Senator Adams seems to know everyone there. A major fisheries issue is the territory's disproportionately small share of the overall quota for turbot — also known as Greenland halibut — in the Davis Strait fishery when compared to the amount of fish allocated by the fisheries minister to southern fishing interests. Our discussions centred largely around the concept of "adjacency" — a politically-charged policy when allocating fish in the Atlantic commercial fishery. Adjacency is generally understood to mean that those who reside next to the resource should have priority access to that resource.

On Nunavut's share of the total allowable catch for turbot and other species, committee members concluded that the territory's disproportionately small allocation of fish was a glaring inconsistency in the application of the principle of adjacency. In February, your committee recommended:

That the Minister of Fisheries and Oceans adopt a fair and consistent policy with respect to Nunavut's access to its adjacent Atlantic fisheries resources, including turbot. Quotas should be set in accordance with the spirit and intent...of the Nunavut Land Claims Agreement....

Many honourable senators may already know that a few days ago, on April 5, the minister released the report of the Independent Panel on Access Criteria, otherwise known as IPAC, for the Atlantic fisheries. The panel reached the same conclusion and said:

The Panel found that Nunavut does not enjoy the same level of access to its adjacent fisheries as do the Atlantic Provinces. In keeping with the spirit of the Nunavut Land Claims Agreement, and fair and consistent application of the adjacency principle, the Panel therefore recommends that: No additional access should be granted to non-Nunavut interests in water adjacent to Nunavut until the territory has achieved access to a major share of its adjacent fishery resources.

In the North, we also heard a lot about co-management. With the settlement of land claims, Aboriginal people now have co-management responsibilities for an area larger than four Atlantic provinces. From what was said, co-management appears to be working well as a means of sharing decision-making and in responding to the values, priorities and needs of the Aboriginal communities. The use of traditional ecological knowledge is widely supported by fisheries stakeholders and government officials alike. However, there were comments made to us on the inadequate DFO staffing levels in the region, making it difficult for the department to live up to its responsibility as a co-management partner.

Canada's North has undergone enormous change over the years. The future will likely see even greater change. Demographically, the most startling feature of the Aboriginal population in the North is its youth — about half of the population is under 25 years of age. This sets the stage for an increasing need to create jobs in the region where unemployment is much higher than it is in the rest of the country.

In Nunavut, the people we met stressed the fact that the population is expected to double within the next two decades. By national standards, northern communities possess very modest physical infrastructures. Lack of capital was a recurring theme. Without economic development agreements with the federal government, officials of the Government of Nunavut told us that Canada's three territories would be unable to make much progress.

On a community scale, we were made aware of relatively small projects that show good potential for development in the North. For example, last June a small group of committee members travelled to Nunavut and visited Canada's first fish ladder, or "fish way," in the Arctic.

The committee recommended that governments encourage and help to fund local river improvement projects in the North, that help to achieve a net gain in the productive capacity of fish habitat, as was demonstrated by the small project. Senator Adams and I were quite impressed with the work that had been done with very modest sums of money.

• (1550)

I wish to thank the committee members for their hard work. I also wish to thank the many individuals, groups and government officials who so generously made time available to us. We were very impressed by the deep passion displayed by those who spoke to us about the fishery. Also, I wish to give a special thanks to the dedicated staff of the Freshwater Institute in Winnipeg for their time and expert guidance.

In closing, Olayuk Akesuk, Nunavut's Minister of Sustainable Development, described the committee's report as "a clear and unbiased perspective on northern fisheries." I could not have said it better. On March 6, 2002, he wrote:

This report is a true reflection of the time and effort both you and your colleagues have put into this project over the past couple of years. The report will go a long way towards the establishment of some much needed recognition for the sustainable development of Nunavut's fishing industry. As I have stated on many previous occasions, half our battle is educating southern Canada...I strongly feel that this report will bring us a step closer to that understanding and recognition...please extend my regards to your Honourable colleagues that contributed to this publication.

On a more personal note, I had not visited the northern regions prior to this visit. I came away a much more enlightened southerner, sensitive to the needs of our Aboriginal communities in the North. Each one of us should make an effort to be as informed and sensitised as our northern colleagues were with our committee members.

I thank everyone who contributed to the work, and I thank this chamber for your kind attention.

Hon. Nicholas W. Taylor: Is there enough time to ask a question?

The Hon. the Speaker: No there is not, unless Senator Comeau requests leave for an extension of his time.

Senator Comeau: I am open to questions. I request leave, should it be the agreement of the house.

The Hon. the Speaker: Is leave granted?

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I would give leave for the honourable senator to ask one question and get one answer to his question.

[English]

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Taylor: I am intrigued by your statement that 60 per cent of Canada's freshwater flows north. On the Prairies, it is 80 per cent. In that regard, the Prairies, as are several parts of Canada, are running out of water, whether due to global warming or not.

If we look at other Arctic areas like Siberia, northern Russia, Archangel, Sweden, Finland and northern Norway, they have managed to use their north. High-tech and other industries are moving in there; those areas are no longer only reserved for farming.

Over here, we have a fascination with the bottom line. Projects must make money. In line with that philosophy, the CPR would never have been built, Air Canada would not have been established and the Trans-Canada pipeline would never have been built. In other words, the things that bind Canada together were against the flow of short-term gain.

How would you develop the Arctic, not only in terms of jobs for the Aboriginal people who live there but for all of society, to reach the levels the Arctic areas of Asia and Europe have reached?

Senator Comeau: I would not even pretend to be able to answer that question in the short time that I have, but I would like to say this: As a start, I should like to provide the kind of tools that would, at least, allow Nunavut to tap into, as we have in the south, resources right off its shores.

We go up there with our trawlers and fish those areas. Why not look at providing northerners access to their own resources, by aiding them with vital infrastructure so that they themselves can obtain vessels? For example, we do not provide them with the wharfs that would allow them to land there. Even if they had the boats, they could not land at their own processing facilities.

Rather than going with Cadillacs, to coin a phrase of a past prime minister, why not try the Volkswagen approach and provide them with access to the resource and facilities where they can land the fish, and then proceed from there? They are looking to run before they walk. We need to understand that, before we can move on to much greater things.

Hon. Bill Rompkey: I did not take part in the committee deliberations; however, my memory was twiggged about a couple of items when I heard about Arctic fishing. One was the Kirby report.

I do not know if the committee looked back to the 1980s and the restructuring of the East Coast fishery. When the Kirby committee filed its report on the East Coast fisheries and created Fishery Products International, among other things, to restructure the companies who were at the point of collapse, one of the recommendations was the formation of a northern fisheries development corporation.

The committee recommended that for a number of reasons, one being the lack of capital that is invested in the North. No matter where we are in the North, we suffer from that same lack; certainly Labrador has. The only things that have worked there are cooperatives. That is not unusual; that is the way some Aborigines do business. Senator Adams is a very good example of not making that case, as he is the exception to the rule. However, generally speaking, Aborigines work best in collectives.

Cooperatives have worked on the Labrador coast. One of those is in shrimp, which brings up the case in point. Aborigines have joined forces to fish the allocation of northern shrimp, whether in Labrador or across the Arctic.

Could there be more examination of what Kirby recommended in the 1980s, and why, with a view to resurrecting that idea of a northern fisheries development corporation? Secondly, could we look at the experience Aboriginal co-ops have had in the North, particularly in joining forces and fishing the shrimp allocation given individually to each of the cooperatives by the Government of Canada?

It seems to me that a government-supported corporation could do many things. It could address the issue of infrastructure that you talked about, while, more important, addressing the issue of capital, which is what is needed to develop the fishery in the North.

I just make those few comments, as I thought they would be appropriate at this time.

On motion of Senator Adams, debate adjourned.

• (1600)

ROLE OF CULTURE IN CANADA

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Gauthier, calling the attention of the Senate to the important role of culture in Canada and the image that we project abroad.—(*Honourable Senator Banks*).

Hon. Tommy Banks: Honourable senators, I am grateful to Senator Gauthier for having brought to our attention the question of how important our culture is to us, and to Senator LaPierre for his wise words on the subject. I will talk about

economics, which does not have much to do with art per se, but it does in an important, if incidental, way.

Honourable senators, the most important thing about art in our lives is its intrinsic aesthetic value — it makes life better. My ex-colleagues and I, in what Statistics Canada calls the arts and cultural industry — musicians, actor, writers, publishers, producers, distributors, directors and the like — are all involved in a continuous never-ending fight for our industry to also be taken seriously in the incidental but important economic landscape of Canada.

Everyone understands the “quality-of-life” arguments for the arts and culture. We know that because it is even known by all levels of government. We see that on the glossy front covers of practically every economic development brochure for practically every town, city and province. There are pictures of theatres, ballet dancers and symphony orchestras, along with the pictures of glass office towers, rail yards and airports, because small “c” culture is fundamentally important to the mix in any civic, provincial or national infrastructure.

The arts, as well, are a huge, thriving and growing industry in our country. That is not the important thing about the arts and culture. Those aesthetic values are the most important thing. Civilization's past and present are known to historians, and to their contemporaries, not so much by their bank accounts as by their culture. It is hard to find anyone who did not know that Mozart was important, however, it is hard to find someone who could tell you who in the 18th century was the largest pipe manufacturer in Austria.

Economic importance does count, however. Partly because of the free trade agreements, the arts and cultural industries in Canada — that is what they are — have been under intense scrutiny over the past 10 years or so. Why are the Americans so insistent about them? Economists and politicians have suddenly realized that here is an industry, with comparatively very low levels of support from government, that is one of the most labour intensive, cost-effective, efficient areas of the business sector, and one which deals primarily with a constantly renewable resource and with a huge potential for growth.

The Government of the United States has, after many years, been awakened by the irrefutable statistics, awakened to the economic importance of its arts and culture industries. They do not call them that but that is what they are. They can no longer ignore the fact that for the past 20 years their largest economic export commodity was the airplane. However, their second largest was not cars or computers or information technology, it was show business.

Some Canadian governments are beginning to wake up to those economic facts because the blunt fact is that arts and culture is one of largest industrial sectors. Taken as a manufacturing industry, which is how Statistics Canada describes it, the arts and cultural industries are among the largest employers of any manufacturing sections of the industrial sector in Canada. In 1993-94 it earned nearly \$30 billion. That is more than petroleum, refining, coal, rubber, and plastics and textiles combined.

In 1991, which is the most recent year for which I have precisely and directly comparable figures for all of the industrial sectors from Statistics Canada, the cultural sector contributed 2.99 per cent of the GDP of Canada. That does not sound like much until you realize that the agriculture sector contributed 2.3 per cent; telecommunications contributed 2.7 per cent; mining 1.2 per cent; logging and forestry 0.6 per cent.

Honourable senators, in those years there were 894,000 workers in the cultural sector. That is seven times the entire workforce of the forest products industry, and 6.9 per cent of total employment in Canada. In the four years between 1990 and 1994, the Canadian GDP increased by 8 per cent. In that same period, the cultural sector's input increased by 9.9 per cent. Total employment in Canada in those four years decreased slightly. In the cultural sector it increased by 5.5 per cent.

The cost of creating a new job in light industry is approximately \$100,000; in heavy industry it is approximately \$200,000. In the cultural sector it is approximately \$20,000. What is more important these days than job creation? For every \$100 it takes to create a job in conventional light manufacturing, five jobs can be created in the arts — five taxpaying, full-time employed workers.

Honourable senators, it makes sense to invest in an industry like that, especially when the cost of sustaining the traditional ones is so high. We must maintain and nourish an environment in which the arts can and will flourish, and in which they are held in respect, both as enhancing our quality of life and as an important part of our economic structure.

I should like to take a moment to dispel some mythical nonsense that has got into our collective psyche, which is that cultural industries are slurping at the public trough while other industrial sectors are full of people and enterprises standing on their own two feet and depending on only themselves. I will tell honourable senators who are the true example of pure personal entrepreneurship — artists and creators. If they do not show up for whatever reason, it is too bad, they are gone, they do not get paid. If they are sick, too bad, they do not get paid. If they did not get it done today, they will finish it tomorrow. Not in that business. Unemployment insurance? You must be kidding. Need a bank loan to get you through the next book, the next record, the next show? You must be joking.

The arts do not want or need a lot more money. They just want all people to understand that, by comparison, it is they who rely on themselves. It is they who stand or fall based solely on their own efforts, and those efforts make a significant economic contribution and are not a drain upon the economies of our cities, our towns and our country.

Honourable senators, we must not consider the arts as secondary, superfluous and outside of Canada's economic mainstream, but rather as they are, a major player in our economy and a serious participant in our future, not as a sinkhole for government and corporate funds, but rather as a real growth

industry from which every dollar invested is returned to our economy doubled, tripled and quadrupled; not as an area where indulgent artistes pursue their personal fantasies, but rather as a labour-intensive, efficient, lean industry with a proven and increasing market.

However we treat the arts, they will always be a major force in any civilized society. When man discovered fire, there was already painting and dance. The ancient Greek wrote plays that we produce and perform today. We listen to and rejoice in music performed by the ancient peoples for the ancient kings and queens. When oil was finally put to a productive use, the opera houses of Europe were already hundreds of years old.

Honourable senators, because the arts change, they are essentially always the same. They are the means by which we communicate our highest and most noble ideas. They have survived every scourge known to man. In many cases they have been instrumental in effecting positive world changes. They will continue to survive because our need for self-expression, creativity and beauty will remain, however much the externals of our world may change. The arts are significant and vital in every respect of our society. If we treat them with respect and with pride, then no matter what economic or social transitions we face, the spirit, the soul and the vitality of our country will thrive.

On motion of Senator Banks, for Senator Lapointe, debate adjourned.

• (1610)

THE HALIFAX GAZETTE

MOTION IN CELEBRATION OF THE TWO HUNDRED FIFTIETH ANNIVERSARY—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Graham, P.C., seconded by the Honourable Senator Buchanan, P.C.,

That the Senate of Canada celebrates with all Canadians the 250th anniversary of Canada's first published newspaper, the *Halifax Gazette*, the publication of which on March 23, 1752, marked the beginning of the newspaper industry in Canada which contributes so much to Canada's strong and enduring democratic traditions.—(Honourable Senator Corbin).

Hon. Eymard G. Corbin: Honourable senators, I am speaking on Senator Graham's motion to commemorate the 250th anniversary of the publication of the first newspaper in Canada, what is now the *Halifax Gazette*, which first appeared on March 23, 1752.

I have no prepared text. At my age, I find it more and more difficult to sit down and write a speech. I now do what I have seen a number of my colleagues do over the years, including Senator Joyal and others: display their notes on their desks and pick them up from point to point. I intend to proceed in that way today.

As was so well pointed out by Senator Graham, there is not much in the first number of issues of the *Halifax Gazette* in 1752. It is mostly comprised of shipping news and old news. There was, as Senator Kinsella pointed out, a report of a guy who threw a stone at the Pope in September of the previous year. There was news from London of September 18 from the previous year.

I thought I would look, just for the heck of it, at what news the first Canadian paper missed. I went to the *Chronicle of World History*, which labels itself as the ultimate record of world history. I reviewed the year previous to 1752, to see what news the *Halifax Gazette* either missed or did not have sufficient space for.

I found an article regarding a complaints box at the shogun's castle gate in Japan, in 1751. The article reads as follows:

The shogun Tokugawa Yoshimune, who has controlled Japan for the last 29 years, has died at the age of 67. A forceful and capable man, he used the practical experience he gained as a feudal ruler drastically, but quietly, to redress some of the worst injustices of shogun rule.

One of his innovations was to put a *meyasubako*, a complaints box, at a gate of his castle in which the people could deposit suggestions for his personal attention, by-passing the bureaucracy.

Honourable senators, I find that item interesting. In fact, I think that we should have a suggestion box at the door of Parliament for the chief politician to dig into, from time to time.

In Beijing, during the same year, 1751, the following is reported:

Work has been completed on restoring the Hall of Prayer for Good Harvests in the Temple of Heaven.

I am sure that this is of particular interest to senators from Western Canada. The article continues:

The round hall, which rests on a triple-layered marble terrace, is 30 metres across and has a roof shaped in three cones covered by brilliant blue tiles. It is surmounted by a golden sphere. Perhaps the most remarkable fact about this beautiful building is that it is made entirely of wood, yet not one nail has been used in its construction.

It is here that the emperor comes to give homage to the heavens and to make sacrifices and pray for a good harvest. It is set in a large park forbidden to the people.

From England, in 1751, the following was reported: "The poet Thomas Gray composes his *Elegy written in a Country Churchyard*." If honourable senators would like to hear the full text, we could ask Senator Rompkey to recite it for us.

Senator Romkey: Not now.

Senator Corbin: In Paris, in 1751, the following:

The Sorbonne —

— that famous university —

— condemns 14 propositions on evolution in Georges Buffon's *Natural History*. To avoid theological controversy, Buffon signs a declaration abandoning anything in his work that might be contrary to the account of Earth's origins given in Genesis.

Honourable senators, that is incredible. Buffon could have been the recipient of all the fame you know who, Darwin, got for his theory of evolution.

I somewhat regret that Senator Di Nino is temporarily absent from his seat. From Tibet, in 1751, the following:

The Dalai Lama has been forced to acknowledge that he is the vassal of the Emperor of China after an abortive revolt by the Tibetans against Chinese rule. Two commissioners and many Chinese were killed in the revolt, but it was easily put down by a Chinese expedition.

Emperor Qianlong has heaped honours on the Dalai Lama, making him head, both spiritual and temporal, of Tibet and putting the Ministerial Council under his command; but there is no doubt who rules in Lhasa now.

Honourable senators, I could go on and on. It is obvious that what we are commemorating is not so much the content of the first *Halifax Gazette* as the initiative for a free and unshackled press. We do not know to what point the paper was unshackled. However, we do know that the publisher needed to be very careful in his news coverage in order to continue to receive government advertisements.

One item is notably absent from that 1752 newspaper. On March 19, 2002, at page 2463 of the *Debates of the Senate*, Senator Graham, in his speech on this subject, said the following:

In John Bushell's day —

— Honourable senators, John Bushell was the paper's publisher —

— the town of Halifax had been in existence for only three years. It was, as Ronald Rompkey of Memorial University — the younger brother of our own esteemed Senator Bill Rompkey — tells us, a small British garrison established to offset the fact that the Treaty of Aix-la-Chapelle of 1748 had compelled Britain to give the Island of Cape Breton back to France, hence finding themselves strategically exposed.

However, what the *Halifax Gazette* does not say is that the majority of the inhabitants of Nova Scotia, namely the Acadians, were the ones who were strategically exposed. A few years later they were expelled from Nova Scotia. Of course, there is not an inkling of a word about the Acadians in this original *Halifax Gazette*.

It is said that if the *Halifax Gazette* were the success it was for the duration of its life, it is due to the daughter of the publisher, Elizabeth Bushell, who was a swift and correct compositor, according to Stephen Kimber who produced a small notice on the occasion of the two hundred and fiftieth anniversary of the *Halifax Gazette*.

Certainly, we all agree today that women reporters and editors, all women engaged in the publishing industry, play a much greater role than in those days. They play an important role. Some women have owned major newspapers. I believe the *Washington Post* was owned by a woman. I think due notice, due recognition, is given to Elizabeth Bushell, the daughter of the publisher, for the production of that first Canadian newspaper, the first of many women to be actively engaged in the publication industry.

• (1620)

The main thing I wish to say about the *Halifax Gazette* and the preservation of its first edition — which is, by the way, in American hands and is on loan to Canada for the occasion — is that currently we do a poor job in Canada of preserving the world's largest collection of Canadian newspapers. I had the occasion recently, because I had requested it, of visiting — I do not know how to describe it — a cement block and tin-roofed shed where Canada's and the world's most important collection of Canadian newspapers is stored. They are stored on shelves eight- to ten-feet high. They are turning yellow because of the obvious acid content. Most newspapers are still printed on acid paper, as if they were meant to self-destruct.

The collection that we have in Ottawa, in the area that used to be known as Nepean, is under threat of destruction by fire, quite possibly, as the area is surrounded by storage tanks — gasoline, tar, propane. The biggest concentration of such materials is next door to the building where we keep Canada's most important newspaper collection. In the summer, when the temperature rises, the heat in there builds up to the point where fire alarms go off. In a heavy downpour, water seeps into the building, and electronic devices tell central that the place is being flooded. This is no way to treat that collection. I was personally amazed that it has been kept in relatively good condition, even to this day, but I do not think it will keep much longer if something is not done about finding a better building for it.

Honourable senators, this collection of newspapers is important not only as a keepsake. People actually use the collection. It has all been microfilmed. Researchers can start their work by reading the microfilms, but microfilms are imperfect tools. Pages and columns and borders are missing, so one has to refer back to the original print material. That is done, I am led to understand, quite often.

It would be a bloody shame if, on the occasion of our commemorating the two-hundred fiftieth anniversary of the publication of the first Canadian newspaper, we were to lose that vast collection of contemporary newspapers.

Just for fun, I pulled out the August 2, 1934 edition of *La Presse* because August 2 is my birthday. I also remembered, from my study of history, that on August 2, Hindenburg died and Hitler took power in Germany. That was the beginning of the end for many people. It is that sort of thing that one can find in newspapers that sometimes makes one's blood bubble, literally.

Honourable senators, I have raised this matter previously in the Senate by way of a statement and then by way of a question to the Leader of the Government. I also raised the matter in the National Finance Committee before Treasury Board officials. I asked for more detailed budget information for the National Library. I can well understand that it takes time — and I understand by a certain signal that my time has lapsed. With the indulgence of the house, perhaps I could be given two more minutes?

The Hon. the Speaker pro tempore: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Corbin: Honourable senators, I hold in my hand at this moment a report submitted to the Honourable Sheila Copps by Dr. John English and consultants Jane Beaumont and Dr. Marcel Caya. It is entitled: *The Role of the National Archives of Canada and the National Library of Canada*. Our esteemed colleague Senator LaPierre has had something to do with this report, and perhaps he will take it upon himself later in this debate or on some other occasion to give us his thoughts on the report. I will not go into detail at this moment, but one striking table stands out, and that is the one that deals with the budget of the National Library. I think that from your seats in this place, even though technically we are not supposed to display material in the Senate, it is very easy to see that the budget of the National Archives peaked for the year 1993-94, and it is now much lower. The figure for the last column are for 1997-98. It is lower than the one for 1988-89. That is the drama that is being experienced by both the National Archives and the National Library. After all, they are the repositories of our collective memory, of all that has happened before us, of all of the government records, newspaper records, and whatever donations Canadians on their own wish to donate to these two institutions.

The National Archives has been pretty well served with a new building, but the National Library has recurrent crises. I happened to see the restoration area. The first thing one notices in the restoration area are rubber boots by the door because they do not know when the water pipes and the sewer pipes will start dripping on precious documents and collections.

I am pleased and happy to commemorate this important event, but the pitch I wish to make is that we must dedicate ourselves with greater passion to the preservation of our national heritage and give a helping hand to the National Library so that it is fit, as its mission states very clearly, to preserve its collections and especially its Canadian newspaper collection.

The Hon. the Speaker *pro tempore*: Does the Honourable Senator LaPierre wish to ask a question or to speak?

Hon. Laurier L. LaPierre: I wanted to adjourn debate in my name and also to offer the document by John English to all honourable senators.

The Hon. the Speaker *pro tempore*: Will the Honourable Senator Corbin accept a question from Senator Murray?

Senator Corbin: Certainly.

• (1630)

Hon. Lowell Murray: Honourable senators, I admire, as he knows, Senator Corbin's persistent advocacy on this question. As he noted, he raised the matter on several occasions in the Standing Senate Committee on National Finance. I think the situation calls out not only for remedial action but also for an inquiry into the causes of the present state of that building.

There are many older government buildings in the city that are not falling down around our ears and that have not sprung the kind of leaks that this building seems to have done. Does the honourable senator know whether there were defects in the original construction? Is it lack of maintenance in this case, or is there some other reason for the present condition of the building? Whether he knows or not, does he not agree it is a question we should look into? The government should hold an inquest.

Senator Corbin: I thank Senator Murray for the question. As well, I thank him for the content of the report he tabled with the Senate some time ago. The comments were quite appropriate and, as far as I am concerned, satisfactory, but the matter should not stop there.

I was talking about two buildings. The newspaper collection is preserved in what I would call a shed, cement blocks with a tin roof, and is surrounded by garages, including a welding shop that caught fire not too long ago. That was of great concern to the conservator of the National Library.

The main building was open on the occasion of the centennial of Canada in 1967. I do not know specifically why pipes burst in that building. However, I was taken down to what was the first or second basement, and I can vouch for the fact that I have never seen so many overhead pipes in all my life in an area where I think there should be no overhead pipes because the material on the shelves is unique. That is the kind of material that is damaged constantly. Apparently, a welder fixing a pipe underneath a fire extinguisher with a propane torch set off the last crisis, and of course the system was triggered. Things like that should never happen.

I welcome the suggestion that the Senate should undertake an inquiry of this matter. I do not know which committee is best equipped to do that. Perhaps Senator Murray's own committee. It would not take long. I think in three sessions the committee could clear the air on the matter and come back with solid recommendations.

Look at it this way, honourable senators. If all that material was worth keeping for the last 80 years or so and if it is worth continuing to collect unique material, we ought to get cracking on it pretty soon.

Hon. Joan Fraser: Perhaps I could ask one short question.

The Hon. the Speaker *pro tempore*: Would the honourable senator take one other question?

Senator Corbin: Yes.

Senator Fraser: Honourable senators, I should like to congratulate Senator Corbin on his concern and initiative. I agree wholeheartedly that if there is any place that should be looking into the institutional memory of the country, it is this chamber.

My question, however, is much more mundane. Do the budget figures he quoted refer to the National Archives or the National Library?

Senator Corbin: They are figures for the National Library for the years 1988-89 to 1997-98. I would be pleased to provide the honourable senator with a copy of the figures.

Senator LaPierre: Honourable senators, I move adjournment of the debate in my name.

If members of the Senate are interested in the English report that was quoted, this is one of the most important documents referring to the National Archives and the National Library in the last 25 years.

On motion of Senator LaPierre, debate adjourned.

STATUS OF PALLIATIVE CARE

INQUIRY—DEBATE CONTINUED

Leave having been given to revert to Inquiry No. 40:

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cordy calling the attention of the Senate to the status of palliative care in Canada. (*Honourable Senator Morin*).

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I ask that this item remain in the name of Senator Morin once I have finished my remarks.

Honourable senators, I wish to thank Senator Cordy for her inquiry and for this opportunity to report on what I think is a year of remarkable progress in advancing national action on end-of-life care.

[*Translation*]

Today, I will review the major achievements since our last report was tabled. They are the direct result of many of the priorities set out in the sub-committee's brief. I also intend to take a closer look at the government's follow-up to certain recommendations.

[English]

• (1640)

Perhaps the most significant evidence of progress has been my appointment as Minister with Special Responsibility for Palliative Care. The fact that Canada now has a voice at the cabinet table for palliative care is a reflection of the federal government's resolve to help people obtain access to quality end-of-life care.

There is a growing awareness that the strength of our health care system must be measured by the quality of care it provides to the most vulnerable Canadians. This federal commitment to palliative care will make it easier to allow Canadians to continue life as free as possible from physical, emotional and spiritual stress.

Equally encouraging was the creation last June of the Secretariat on Palliative and End-of-Life Care. The secretariat is mandated to provide support to the minister with special responsibility to coordinate the development of a national strategy on end-of-life care and to organize initiatives across federal departments. It is also working with various stakeholders to identify shared priorities. The creation of the secretariat is a key step in Health Canada's work to support the creation of this national strategy.

Another promising development was the inclusion of palliative care on the agenda of the annual conference of health ministers last September. I believe this represents a step forward toward launching a national strategy because for the first time, federal, provincial and territorial governments were able to share information on current initiatives. We began preliminary discussions about areas of interest where we might work together for the benefit of terminally ill Canadians. I have continued to meet with provincial and territorial ministers of health.

My colleagues on the Standing Senate Committee on Social Affairs, Science and Technology, chaired by Senator Kirby and which includes Senator Cordy, recently submitted a report on the state of health care in Canada. In the "Issues and Options" report, it was suggested that an organized national palliative care service be given consideration as part of a comprehensive health care system.

Mr. Romanow recently tabled his interim report on the future of health care in Canada. The government will review this report and the preliminary suggestions on palliative care with great interest. I look forward to Mr. Romanow's continued public consultations and to hearing what Canadians think about palliative care.

The most recent step in this ongoing process took place in early March at the National Action Planning Workshop on End-of-Life Care organized by the Health Canada Secretariat on Palliative and End-of-Life Care held in Winnipeg. Over 140 key stakeholders and experts in end-of-life care met to determine how to move forward on these priorities.

I was very pleased by the contributions made by the workshop participants — I was there for the full meetings — whose expertise and experience are fundamental to devising an effective strategy. Thanks to these efforts, we understand which issues require further consideration, including the availability and access to services; ethnic, cultural and spiritual considerations; increased education for health care providers; supporting research and surveillance; providing assistance to family and caregivers; and increasing public education and awareness.

We made important progress in creating a solid action plan for providing quality end-of-life care for all Canadians. Perhaps equally important, we were able to benefit from bringing together people from across the country, including our Aboriginal communities, to share information and approaches on improving care at the end of life.

Clearly, we have made great strides in a very short time. Much of the credit for this success rests with the work of this chamber. Our groundbreaking work here set the stage for these advances. These activities also demonstrate the Government of Canada's rapid response to some of our recommendations in the subcommittee's report to develop a national strategy and five-year implementation plan in collaboration with the provinces and territories.

On home care and pharmacare, we have covered considerable distance. Federal, provincial and territorial health ministers took important first steps toward home and community care at their September meeting. They received a report on a common vision, guiding principles and core program components. One of the core program components is end-of-life care to serve the needs of people who wish to receive such services in the community, including palliative care. Health ministers agreed to forward the report to first ministers for further consideration.

With regard to income security and job protection for family caregivers, the Government of Canada in the last Speech from the Throne made a firm commitment to take steps to enable parents to provide care to a gravely ill child without fear of sudden income or job loss. After we have acted to develop a federal interdepartmental strategy, the Secretariat on Palliative Care has developed an inter-branch working group within Health Canada. This working group's function is to ensure that palliative care is taken into consideration in all relevant policy initiatives. An interdepartmental working group has also been created to coordinate initiatives and to share information related to end-of-life care across government.

Other federal organizations are also involved. The Canadian Institutes of Health Research is comprised of several institutes whose work focuses on various aspects of end-of-life care. I have met with a number of the institutes' scientific directors as well as the president to discuss this issue. I am most encouraged by their responses.

The Institute of Aging, for example, funds research to promote healthy aging. Some of its activities include addressing the causes, prevention, screening, diagnosis and treatment for a wide range of conditions associated with elderly Canadians. Similarly, the Institute of Cancer Research supports research to help individuals and their families with everything from prevention strategies to psychosocial supports and palliation. The Canadian Institute of Cancer Research along with the Canadian Institute of Population and Public Health recently launched a request for applications for grants in priority research areas.

Honourable senators, palliative care has been identified as one of the top three priorities. The collective findings from this research will be invaluable in the work of family physicians, home support workers, nurses and institutional caregivers.

[Translation]

These important advances signal the beginning of a new era in quality end-of-life care for Canadians. It confirms that we have done more than merely examine the challenges. We have taken tangible action and achieved results.

[English]

Honourable senators, this week is National Volunteer Week. I would like us to reflect for a moment on the contributions Canadians make to improving the lives of others and to improving our communities. Our country would be a very different and much poorer place if it were not for the efforts of countless volunteers who work for higher rewards than remuneration alone.

Canadian Heritage reports that 7 per cent of Canadians do more than 73 per cent of the volunteer work in this country, and that group is almost all older adults. While employer support for volunteering is increasing, we need to do more to promote awareness of the importance of volunteering and the very real difference it can make both in the lives of those we are helping and in our own lives as we learn new skills, expand on our talents, and earn the appreciation of our communities.

Few endeavours rely more heavily on the work and support of volunteers than does palliative care. It is volunteers on the front lines of care who are framing this new structure that benefits all of society.

In honour of National Volunteer Week, I wish to extend my heartfelt thanks to all of the volunteers who make quality palliative care a reality. It is not an exaggeration to say that without them, any hospice palliative care program might never get off the ground. It is impossible to express enough appreciation for their work, which contributes to the lives of others in their most serious time of need. We owe them and volunteers in other endeavours our sincere gratitude. We know that further work is required to achieve our ultimate goal of ensuring that all Canadians who face end-of-life challenges are able to have access to quality care.

[Senator Carstairs]

I would like to thank all senators for the contributions they have made in bringing this issue to the fore in discussions of national health priorities. I look forward to continue working with honourable senators on this issue, which is so important to all Canadians.

Honourable senators, as you know, this is not just an area for which I have ministerial responsibility — it is a passion. Over the last year, I have visited palliative care units in hospitals coast to coast to coast. I have visited hospices. I have visited volunteer hospice organizations. I have given speeches. I have been so touched by the human experience that I have had in amazing circumstances. Let me give honourable senators some examples of things that I have learned.

I visited one hospice in Prince George, British Columbia, in which I learned that every single member of the staff made apple pies every night. They went home and made apple pies. This is a small, eight-bed hospice. Why? They did it because one of the patients who was dying did not want to eat anything else but apple pie. Therefore, they all went home and made their homemade pies so that that individual would be able to eat his homemade pie. They tracked down the recipe of a grandmother in New York City for tomato soup because another client within the hospice only wanted to eat his grandmother's tomato soup.

I visited the children's hospice in Vancouver. Some of my colleagues have heard me tell this story. It was an incredible moment for me when a child was brought in to die, and died in the rose garden of that hospice while I was there. The outreach from everyone involved, volunteers and staff alike, was quite remarkable. That kind of care is going on in communities, in homes, in hospices, in hospitals and in palliative care units throughout this country.

Perhaps one of the most poignant moments for me was visiting a personal care home. I had not thought of palliative care being particularly delivered in a personal care home, but as it was explained to me, if people have moved to that personal care home and that is where they have decided to live their last days on earth, that becomes their home. They do not want to be moved to the hospital in order to die. They want to remain in that personal care home.

I visited Riverview in Winnipeg. They have beautiful baskets. I asked them what these beautiful baskets were. The baskets are given to each family at the moment they know the end is very near. They are filled with wonderful things: Kleenex, obviously, but CDs of very positive music so that there can be a listening experience. They are filled with aromatherapy products. They are filled with books, such as the Bible, the Old Testament or the New Testament, depending on the individual's particular religious persuasion. It was a recognition that palliative care is for the living. It is to enable someone to live well to the very end, but it is also for families. It is to help them through this very difficult time with their loved ones.

• (1650)

The remarkable work going on across this country is truly inspiring. I hope that because of the work of the Senate and those senators who participated in the subcommittee and on the original committee we can move this agenda forward. Canadians, no matter where they live, whether it is up North, whether it is in a Aboriginal community, a big city or a rural southern community, can die with all the support they need, emotionally, physically and spiritually.

On motion of Senator Robichaud, for Senator Morin, debate adjourned.

NATIONAL CAPITAL COMMISSION

PROPOSAL TO SELL MOFFATT FARM—INQUIRY— DEBATE ADJOURNED

Hon. Anne C. Cools rose pursuant to notice of April 18, 2002:

That she will call the attention of the Senate to:

- a) to the public's need for the Senate and the Parliament of Canada to take into their cognizance the current conflict between Ottawa residents with their Ottawa City Council and the National Capital Commission regarding the National Capital Commission's proposal to re-zone a riverfront parkland to build a 244 dwelling housing development on that riverfront parkland, a matter well reported in the media;
- b) to the national capital parkland known as the Moffatt Farm, a riverfront parkland on the heritage waterway, the Rideau River, at Mooney's Bay, near the entrance to the Hog's Back Locks, all of which form a part of the ancient and historic Rideau Canal and the Rideau Canal Waterway System, a parkland which for decades has been held by the National Capital Commission as a commissioned public trust for its protection for the public good and for the public use;
- c) to the meaning in law of a commission, being that a commission is a public body with a public purpose, authorized by letters patent, an act of parliament, or other lawful warrant to execute and perform a public office, and further, that the National Capital Commission is no ordinary entity, or no simple arms length crown corporation but is a commission a peculiar constitutional entity, intended to perform a public duty;
- d) to the current land use designation zoning of Moffatt Farm which is zoned as parkland, as are other Ottawa national capital parks such as Vincent Massey Park and Hog's Back Park, parklands whose maintenance and sustenance are of great importance and concern to Ottawans;
- e) to the National Capital Commission contracted agreements with private developers, including that one with DCR Phoenix, regarding the sale for development of the parkland, Moffatt Farm, to the same DCR Phoenix, a private developer currently acting as the National Capital Commission agent before Ottawa City Council and the Ontario Municipal Board in proceedings about

the National Capital Commission proposed re-zoning of Moffatt Farm from parkland zoning to residential zoning so as to permit the National Capital Commission's sale of this parkland to private developers;

- f) to Ottawa City Council's unanimous decision on March 27, 2002 rejecting and soundly defeating the National Capital Commission/DCR Phoenix's proposal for re-zoning and development of the Moffatt Farm parkland, to the city government's strong objection to the proposed development, being the building of 244 expensive, luxurious high end houses on the Moffatt Farm parkland, a parkland also known for its environmentally sensitive lands;
- g) the responsible ministry's and the National Capital Commission's own protocol that holds that the National Capital Commission should defer to municipal government on planning issues and land use;
- h) to another motion overwhelmingly adopted by Ottawa City Council on April 10, 2002 expressing the City's wish to purchase the Moffatt Farm parkland, also asking the National Capital Commission to honour City Council's decision and also to withdraw its own appeal to the Ontario Municipal Board asking the Ontario Municipal Board to overturn City Council and force the re-zoning of Moffatt Farm from parkland zoning to residential zoning;
- i) to that same City Council motion of April 10, 2002, which said:

"WHEREAS the Moffatt Farm has been in public ownership for the past 50 years, since its expropriation, and has until 1999, been designated a Capital Park by the National Capital Commission;

AND WHEREAS the NCC has determined that this property is surplus to national needs and intends to sell it;

AND WHEREAS the Moffatt Farm is outside the General Urban Area, and designated as Waterfront Open Space in the Regional Official Plan, which is land in, or intended to be in, public ownership and intended for public recreation and environmental conservation uses;

AND WHEREAS the Moffatt Farm has no 'right of development' at this time, being designated Major Open Space, Waterway Corridor and Environmentally Sensitive Area, zoning that offers the highest possible protection;

AND WHEREAS, in the Ottawa Official Plan, the Moffatt Farm is designated as a District/Community Park, a use identified in the 1973 Carleton Heights Secondary Plan as a means to address inadequate parkland for this area of the City;

AND WHEREAS, since 1973, the population of this community has doubled and available parkland has already decreased;

AND WHEREAS the City of Ottawa has a policy to acquire, where possible, waterfront properties that form the Greenway System and preserve these lands for public open space use;

THEREFORE BE IT RESOLVED that the City of Ottawa offer to purchase the entire Moffatt Farm property from the NCC, at a price which will be based on its current and future use as a District Park; and

BE IT FURTHER RESOLVED that the City request the local Members of Parliament (National Capital Caucus) to urge the NCC to respect Council's unanimous decision and withdraw its appeal to the OMB."

j) to the growing public disenchantment and disappointment of Ottawans who perceive the National Capital Commission's corporate culture as running roughshod over Ottawans with wanton disregard for local communities of which the Moffatt Farm community is only one of several which include Lac Leamy, Sparks Street redevelopment and others, all of which have resulted in diminishing public respect for the National Capital Commission and its land use proposals in the national capital area;

k) to the burgeoning public unease about the destiny of Ottawa's precious public lands as many Ottawans are anxious that the National Capital Commission is conducting its affairs in land use matters, more as a private development company and less as a public commission entrusted with Her Majesty's and the public's interest in the proper land use of unique, historical, heritage parklands and properties; and

l) to the public need for Parliament's study and review of the National Capital Commission in its entirety, including its role, structure, organization, operations, authorizing statute, its parliamentary appropriations, finances, and its relations with Canadian citizens, especially Canadian citizens living in the Ottawa area, its land dealings, its land developments, and its agreements with private developers selected by the National Capital Commission as recipients, buyers, of treasured historic lands.

She said: Honourable senators, this inquiry is about the destiny of our national capital city's parklands, the vocation of parkland to serve Canadian mothers, fathers and children's needs to interact with nature, Ottawa's greenspaces and the historic Rideau Canal. The Rideau Canal, its waterfront parklands, greenspaces, historic locks, bridges and stonework are part of the heritage and beauty of our capital city, Ottawa. This inquiry is

about an important national issue, Ottawa's national capital parklands, public lands, Her Majesty's lands, vested in Her Majesty, who appoints commissioners as stewards, trustees, of these lands to protect these parklands. They are commissioned by the Queen to protect Her subjects' interest, the public interest, in these heritage parklands.

Honourable senators, the Moffatt Farm is public parkland. It is about 85 acres, a third of which is environmentally and geologically sensitive land. This Rideau River property is part of the historic Rideau Canal system. The Moffatt Farm has been for over half a century a parkland, so zoned and used for recreation. After expropriation around 1946 by the Director, the Veterans Land Act was transferred to the National Capital Commission in the 1960s. It has been leased by an agreement in principle to the City of Ottawa for about 30 years. Ottawa's official plan, the zoning regulatory framework, designates it as waterfront open space, the designation for land in public ownership, prescribed for public recreation and environmental conservation.

Honourable senators, this inquiry is also about greed, profiteering, land speculation against the public interest. It is about the corruption of a public purpose, and the unconstitutional and unparliamentary conversion of a public purpose to a private one, one that is not fitting or desirable to a constitutional entity, a commission. Further, this purpose and role was never countenanced by Parliament; neither was it ever intended or authorized in enacting the National Capital Act. Parliament has never intended that the National Capital Commission should place itself into hostile conflicts with Canadians and with Ottawa's own elected mayor and city councillors.

Honourable senators, this inquiry is about the National Capital Commission and its endeavours to sell a national capital parkland, not at parkland prices that are low prices, but at residential land prices 20 times the value of parkland prices. This is about the NCC's efforts to drive up land prices, from about \$400,000 to about \$10 million. This is the National Capital Commission's bizarre attempt to hijack the citizens of Ottawa so as to obtain an inflated value for the Moffatt Farm.

The current value of the Moffatt Farm as zoned parkland is about \$400,000. This low parkland value has been the basis of the government's "grants in lieu of taxes" paid to the City of Ottawa by the federal government for the last many decades. The NCC is essentially proposing that the City of Ottawa rezone the Moffatt Farm from parkland zoning to residential zoning so that Moffatt Farm can fetch a higher market price, approaching \$10 million, so that the City of Ottawa may be forced to purchase it from the NCC at that elevated price in order that after that purchase the city can then turnaround and restore the zoning back to parkland to make it a city park for public recreational use. The result would be that Ottawa taxpayers would have paid the federal government an extra \$9.6 million, and also that the city would have collected the government's "grants in lieu" at the lower land value rate for decades.

City council could not justify this to Ottawa taxpayers. Why should the federal government, through the National Capital Commission, engage in this kind of unfair enrichment and attempt to enlist the Ontario Municipal Board's complicity in the NCC's scheme? Such distortion of land values is not a public purpose. Such distortion of land values should be roundly condemned.

Honourable senators, the National Capital Commission has its origins in the constitutional concept known as Crown lands commissioners for the management of the possessions and land revenues of the Crown. The safekeeping, protection, conservation and husbanding of Her Majesty's lands is the purpose of such a commission, whose commissioners are sworn by oath to do so.

The NCC's origin is the 1899 Ottawa Improvement Commission, a body corporate. Its constituting act of Parliament was called "An Act respecting the City of Ottawa." It received Royal Assent on August 11, 1899. This act defined Parliament's clear intention that the commission cooperate with city government. Its section 3 said, in part:

3. The Commission shall consist of four Commissioners, of whom three shall be appointed by the Governor in Council...and one shall be appointed by the Corporation of the City of Ottawa (hereinafter referred to as "the Corporation") and shall hold office for the period of one year from the time of such appointment, or for such period, not exceeding three years, as shall be determined by by-law duly passed by the Corporation: ..."

The act's section 7 said, in part,

7. The Commission may —

(a) purchase, acquire and hold real property in the city of Ottawa...for the purpose of public parks or squares, streets, avenues, drives or thoroughfares;

(c) co-operate with the Corporation, or with the Board of Park Management of the City of Ottawa, in the improvement and beautifying of the said city, or the vicinity thereof...

Again, this act stressed cooperation with the city government, now a protocol. In time, the Ottawa District Commission became the Federal District Commission. On April 14, 1927, Royal Assent was given to The Federal District Commission Act, 1927.

Honourable senators, the Federal District Commission in turn became the National Capital Commission. On September 6, 1958, the first National Capital Act received Royal Assent. This act bears a quick review, to reaffirm the expressed purposes of the National Capital Commission, being the safekeeping and protection of Her Majesty's lands.

Section 4 of the act defined the public character and purpose of the NCC. The National Capital Act, 1958, sections 4.(1), (2) and (3) said:

4.(1) The Commission is, for all purposes of this Act, an agent of Her Majesty, and its powers under this Act may be exercised only as an agent of Her Majesty.

(2) The Commission may, on behalf of Her Majesty, enter into contracts in the name of Her Majesty or in the name of the Commission.

(3) Property acquired by the Commission is the property of Her Majesty and title thereto may be vested in the name of Her Majesty or in the name of the Commission.

Section 10(1), headed "Objects, Purposes and Powers," said:

10(1) The objects and purposes of the Commission are to prepare plans for and assist in the development, conservation and improvement of the National Capital Region in order that the nature and character of the seat of the Government of Canada may be in accordance with its national significance.

Under the heading, "Property," section 14 and 14(a) said in part:

14. Except with the approval of the Governor in Council, the Commission shall not

(a) dispose of any real property for a consideration in excess of a value of ten thousand dollars...

Further, section 21 described its charitable organization features, to receive bequests, et cetera.

Section 22 enacted its public ownership feature by enacting that the Auditor General of Canada is its auditor.

• (1700)

Honourable senators, my notice of inquiry, paragraph (h) and (i), informed the Senate of a motion passed overwhelmingly by Ottawa City Council on April 10, 2002. This motion is one of many events between the NCC and Ottawa City Council about the NCC's application asking city council to amend Ottawa's official plan and zoning bylaw so as to change the Moffatt Farm's designation from parkland zoning to residential zoning. The NCC attempted to compel Ottawa City Council to alter its planning, land use regulatory framework, to change the zoning of Moffatt Farm from parkland to residential. The NCC had asked the city to rezone it so that the NCC could sell this land, not at the parkland price, but at the highest price zoning, that is, residential. Further, the NCC agent in these planning regulatory proceedings is a private developer called DCR Phoenix. Ottawa City Council unanimously rejected the NCC/DCR Phoenix application, refused to change Moffatt Farm's designation from parkland to residential, and vetoed DCR Phoenix's proposal to build a 244-unit housing development on the rezoned Moffatt Farm. Having rejected the rezoning application, Ottawa City Council passed this motion on April 10, 2002, reciting the rejection, also offering to buy Moffatt Farm, and asked members of Parliament for help. The last two paragraphs of Ottawa City Council's motion read:

THEREFORE BE IT RESOLVED that the City of Ottawa offer to purchase the entire Moffatt Farm property from the NCC, at a price which will be based on its current and future use as a District Park; and

BE IT FURTHER RESOLVED that the City request the local Members of Parliament (National Capital Caucus) to urge the NCC to respect Council's unanimous decision and withdraw its appeal to the OMB.

City council asked members of Parliament to urge the NCC to respect council's decision and withdraw its appeal to the Ontario Municipal Board, an appeal they launched even before the City Council process was completed.

Honourable senators, some weeks ago, Minister of Canadian Heritage Sheila Copps had assured me of the extant protocol that the National Capital Commission should defer the decisions of Ottawa City Council in planning matters. Far from upholding the protocol, the NCC has announced that it will proceed with its appeal to the Ontario Municipal Board, a creature of the provincial legislature.

Honourable senators, our constitutional framework never intended that the provincial legislature's creature, the Ontario Municipal Board, should decide the destiny of Her Majesty's federal national capital parklands, especially at the request of a private developer, as an agent of the NCC who wishes to purchase this parkland. The NCC is not a private developer or a private entity. It simply cannot shed its role as Crown commissioners and don the garb, purpose and character of a private entity, private developer. These are public lands. They are not the private land holdings of a private developer to do with as a developer sees fit. That this question is even being placed before the Ontario Municipal Board is a constitutional perversion, since this matter is no longer a planning issue but one rather of the NCC seeking to recast its statutory and constitutional purpose from that of public servant commissioner, conforming with the local city planning authority in stewardship of the lands, to an unaccountable private land owner, land speculator. That the NCC seeks to recast itself as a land privateer, extolling the exclusivity of private property, is not fitting. The NCC is asking the Ontario Municipal Board to rezone federal parkland from parkland to residential zoning, therein to force the NCC's private will, their privateering will, over the will of Ottawa City Council's elected representatives and over the will of the very public who already owns the parkland. This is not proper. This is an unconstitutional and unparliamentary recasting of the NCC's role from public commissioners to private developer, a supplicant before the Ontario Municipal Board.

Honourable senators, this is constitutional vandalism and constitutional corruption. Commissions and commissioners have no parliamentary or constitutional authority to conduct themselves as to overcome and defeat the public interest and

the fact of public ownership. Public ownership of public land parklands, acquired on the strength of tax dollars appropriated by Parliament in supply and appropriation bills is a public and parliamentary matter.

Honourable senators, it has been decades since a parliamentary committee looked at the operations of the National Capital Commission. I wonder when last anyone one has examined the actual commission. Honourable senators must examine the National Capital Commission. The burgeoning public unhappiness about the destiny of the national capital parklands and historic land sites and the public's antipathy to the NCC is palpable. The public has great affection for Moffatt Farm and other parklands, like Vincent Massey Park and Hog's Back Park which are similarly zoned and similarly at risk. The public fears that many other public parklands, like the Experimental Farm and the Arboretum, are on the NCC's list for sale. The public has great angst about the NCC's corporate culture and its lack of transparency, process, public input and scrutiny. If public lands are to be sold, they should be sold in a public process, with public bidding. The NCC deals are secret, even their choice of the proposed recipient buyer. Interestingly, this Moffatt Farm agreement of purchase and sale is not only secret but is protected by cabinet secrecy. This is a national issue because the NCC's current course is changing the face and character of our capital city.

Honourable senators, I am calling the attention of the Senate to this issue because Parliament, in a Senate committee, should study the National Capital Commission. Perhaps it is even time for a royal commission or perhaps a parliamentary commission; I am not sure, but an ample review of the National Capital Commission in its totality is needed. Parliament must study the purpose, role, corporate actions and operations of the National Capital Commission. Parliament must study the systems and processes, or lack thereof, for the National Capital Commission's disposal of lands and land transfers to private developers for the purposes of private development on these public lands. Parliament must examine whether these land transfers are in the public interest and must also ascertain Parliament's interests in these matters, particularly the questions of its own appropriations, to ensure that Parliament's appropriations have been utilized for the public good and not the benefit of private developers. Parliament must inquire into the public disenchantment with the National Capital Commission regarding land deals and dealings converting public lands to private ones.

I ask honourable senators to uphold and support Ottawa City Council's decisions and, further, to ask the NCC to uphold their own protocol of deference to city council in planning matters, and that the NCC not offend Her Majesty's federal principle of land trusteeship by asking a provincial tribunal, the Ontario Municipal Board, to decide the destiny of Her Majesty's federal public owned parklands.

On motion of Senator Comeau, for Senator Kinsella, debate adjourned.

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. E. Leo Kolber, pursuant to notice of April 17, 2002, moved:

That the Standing Senate Committee on Banking, Trade and Commerce have power to sit at 3:30 p.m. on Tuesday, April 30, 2002, even though the Senate may then be sitting, and that the rule 95(4) be suspended in relation thereto.

Motion agreed to.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE WITHDRAWN

On Motion No. 130 by the Honourable Senator Taylor:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have the power to sit at 1:00 p.m. on Wednesday, April 24, 2002, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

• (1710)

The Hon. the Speaker: Is the honourable senator asking for leave to withdraw the motion?

Hon. Nicholas W. Taylor: I ask leave to withdraw the motion.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Motion withdrawn.

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, the bells are scheduled to ring at 5:15 for a vote at 5:30. I would ask whether the bells should begin to ring now.

The Hon. the Speaker: Is it agreed, honourable senators, that we call in the senators now for a vote at 5:30, as agreed to earlier by the Senate?

Hon. Senators: Agreed.

FOREIGN MISSIONS AND INTERNATIONAL ORGANIZATIONS ACT

BILL TO AMEND—THIRD READING— MOTION IN AMENDMENT NEGATED

On the Order:

Resuming debate on the motion of the Honourable Senator Graham, P.C., seconded by the Honourable

Senator Pépin, for the third reading of Bill C-35, to amend the Foreign Missions and International Organizations Act.

And on the motion in amendment of the Honourable Senator Andreychuk, seconded by the Honourable Senator Stratton, that the Bill be not now read a third time but that it be amended:

(a) in clause 3, on page 4, by adding after line 19, the following:

“(1.4) An order made under subsection (1) does not grant immunity in any civil or criminal proceeding respecting the commission of an act of terrorism, torture or genocide, an enforced disappearance, a summary execution, a war crime or a crime against humanity.”; and

(b) in clause 5, on page 6,

(i) by adding, after line 39, the following:

“(3) Where the Royal Canadian Mounted Police proposes to control, limit or prohibit access to an area under subsection (2), the Commissioner shall publicly announce a description of the delineated area before the later of

(a) 30 days after the dates of the intergovernmental conference are publicly announced; and

(b) 30 days before the first day of the intergovernmental conference.”; and

(ii) by renumbering subsections 10.1(3) and (4) as subsections 10.1(4) and (5) and any cross-references thereto accordingly.

• (1730)

Motion in amendment negated on the following division:

YEAS THE HONOURABLE SENATORS

Andreychuk
Angus
Atkins
Beaudoin
Bolduc
Carney
Cochrane
Comeau
Di Nino
Doody
Gustafson
Johnson

Keon
Kinsella
LeBreton
Lynch-Staunton
Murray
Nolin
Oliver
Prud'homme
Roche
St. Germain
Stratton—23

NAYS THE HONOURABLE SENATORS

Adams
Austin
Bacon
Baker

Kenny
Kolber
Kroft
LaPierre

Banks
Biron
Callbeck
Carstairs
Chalifoux
Christensen
Cook
Cools
Day
Fairbairn
Ferretti Barth
Fitzpatrick
Fraser
Furey
Gauthier
Gill
Grafstein
Graham
Hervieux-Payette
Hubley
Joyal

Léger
Losier-Cool
Maheu
Mahovlich
Milne
Moore
Morin
Pearson
Pépin
Phalen
Poulin
Poy
Robichaud
Rompkey
Setlakwe
Sibbeston
Sparrow
Taylor
Tunney
Watt
Wiebe—50

ABSTENTIONS THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: Honourable senators, we now resume debate on the main motion.

Hon. Consiglio Di Nino: I move adjournment of the debate.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. The Speaker: Will those honourable senators in favour of the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators oppose to the motion please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it.

Motion agreed to, on division.

[Translation]

NOTICE OF MOTION FOR TIME ALLOCATION

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I regret to inform the chamber that we were not able to come to an agreement to complete third reading of Bill C-35.

Accordingly, I hereby give notice that tomorrow, I will move

That, pursuant to rule 39, not more than a further six hours of debate be allocated for the consideration of third reading of Bill C-35, to amend the Foreign Missions and International Organizations Act;

That when debate comes to an end or when the time provided for the consideration of the said motion has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the said motion; and

That any recorded vote or votes on the said question shall be taken in accordance with rule 39(4).

The Senate adjourned until Wednesday, April 24, 2002 at 1:30 p.m.

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(HANSARD)

Wednesday, April 24, 2002

THE HONOURABLE DANIEL HAYS
SPEAKER



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[Translation]

THE SENATE

Wednesday, April 24, 2002

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

SITUATION IN MIDDLE EAST

Hon. Lucie Pépin: Honourable senators, we are being constantly bombarded by images of incredible violence from the Middle East. They lead us to really wonder how, despite much mediation, such a worrisome situation can have come to pass. It is all the more worrisome because the conflict is at risk of spreading further in the region, and the humanitarian, geopolitical and other impacts of such a situation are easily imagined. Acts of vandalism here and elsewhere against members of the Jewish and Arab communities, carried out against the background of the crisis between Israel and Palestine, are foreshadowings of great danger.

Both parties feel their actions are legitimate. Be that as it may, no one can be unmoved by the sight of these innocent victims who daily pay the price of a situation they neither desired nor caused.

Comments are constantly being made about the complex and sensitive nature of this situation. This is indeed the case, but excess caution can easily progress to irresponsibility.

In my opinion, the fundamental issue is not taking sides, but rather taking a position, in compliance with the rules of international law.

In the aftermath of the World War II, the international community, in its desire for peace, set out principles, defined common values and set up institutions to bring about a world at peace. Our country's support for those values led us to contribute very actively within the UN to the prevention of conflicts and to the building and consolidation of peace. We have, moreover, always had a world reputation as a peace-loving country, not a warring one. We must take great care to safeguard that reputation.

We must also continue to nurture the determination to see a peaceful international environment, the very reason the UN was created. Nowadays, unfortunately, we are seeing this shared determination fade. The proof is the ho-hum attitude with which UN Security Council resolutions, especially those having to do with the Middle East, are greeted.

We must take a greater interest in these resolutions. We must also stop this pernicious and dangerous game of implementing such resolutions selectively. It is important to our credibility, as an international community, to be able to participate in the resolution of crises.

In the case of the Middle East crisis, our government must offer its good offices to get both parties to accept the idea of an interposition and response force. Canada can and must play this role. This international presence would have the merit of easing tensions and creating the conditions for a peaceful resolution, in the long term helping the belligerents to break free of this vicious cycle of violence.

The road towards peace is perhaps a long one, but it is by working together that we will be able to help the Middle East out of this terrible situation.

[English]

THE ESQUIMALT AND NANAIMO RAILWAY

Hon. Pat Carney: Honourable senators, on May 15, 2002, British Columbians may lose one of our greatest connections to our Canadian history: the Esquimalt and Nanaimo Railway. Vancouver Island was transformed forever from the moment the final spike of the E & N Railway was driven into the ground, in 1886, by Sir John A. Macdonald himself. The railway was an important element in the development of Vancouver Island. It provided access to the Island's forest and mineral resources, which increased employment, population growth and the expansion of towns and Island settlements.

The E & N was originally built by the coal mining Dunsmuir family, who wanted an overland route to Esquimalt for the coal to fire ship's boilers. In 1905, the Canadian Pacific Railway, precursor of today's VIA, acquired this island railway with a "great swath of grand land," according to one account in the provincial archives.

The E & N, however, is more than romance and history for British Columbians. Many of us believe that this railway has a major role to play in Vancouver Island. Courtenay Mayor Ron Webber, who has served as mayor for 12 years and councillor for 18 years, told me that the potential loss of the E & N would derail a powerful tool for the Island's economic development, particularly tourism.

I recently rode the E & N from Victoria to its terminus at Courtenay and back. A sign on Courtney's railway station says: "Welcome to the Comox Valley, Canada's Recreation Centre." There is skiing on Mount Washington; recreational boaters can access the world's most beautiful coast; festivals and concerts fill the summer's agenda; there are golf courses galore; and the marvellous museum at Cumberland reflects the dramatic and often tragic experience of miners, including Japanese, Chinese, Black Canadians and others, in the coal mines of the area.

People told me that, at present, the E & N runs the wrong way at the wrong time. A revitalized, properly managed railway would be of great benefit. If VIA Rail, facing declining rail traffic, cancels the sturdy little railway, maybe the corporate inheritors of those original land grants should give them back to the Island communities, which include Aboriginal and non-Aboriginal, to compensate them for the loss of the E & N rail service.

Currently, a one-month's stay of execution has been granted. I understand that the federal government has agreed, through VIA Rail, to provide enough money to keep the service going until the May 15 deadline. I do not believe this time extension meets the needs of the municipalities and organizations trying to find a workable plan for the survival of the E & N. If the federal government wants to be a part of this success story, we hope it will continue to financially assist and support a solution which ensures that the survival of the E & N, which is part of B.C.'s past and present, continues to be in our future.

CANCER AWARENESS MONTH

Hon. Yves Morin: Honourable senators, April is Cancer Awareness Month. One in three Canadians will be diagnosed with cancer in their lifetime. Cancer is the second leading cause of death in Canada. Lung cancer, the most preventable of all cancers, remained the leading cause of cancer for both men and women in 2001. Prostate cancer in men and breast cancer in women are the second most common cancers, with colorectal cancer the third most common cancer for both.

[Translation]

We cannot change our hereditary factors for cancer. But many forms of cancer can be prevented through simple measures, such as a smoke-free atmosphere, a diet rich in fruits and vegetables, and daily physical exercise.

• (1340)

[English]

The Canadian Cancer Society, its staff and 100,000 dedicated volunteers provide support for those suffering from cancer. Their work focuses on prevention and control of cancer, particularly on reducing tobacco use, on the promotion of a healthy diet and on regular physical exercise.

The society is also part of the nationwide effort to find a cure and eradicate cancer. It funds research of all types of cancer and contributes \$40 million annually to its research partner, the National Cancer Institute of Canada. Together with the Institute of Cancer Research of the Canadian Institutes of Health Research, under the leadership of Dr. Phillip Branton, cancer research is carried out from coast to coast.

Honourable senators, last October, the National Institute for Research on Cancer in Genoa, Italy, ranked Canada first in the world in terms of impact on cancer research over a five-year period, based on scientific papers produced.

[Translation]

Honourable senators, this being Cancer Awareness Month, I am pleased to pay tribute to the remarkable work being done by the 100,000 Canadians who are tirelessly devoting themselves to the eradication of this terrible disease.

[Senator Carney]

Some Hon. Senators: Hear, hear!

[English]

NATIONAL VOLUNTEER WEEK

Hon. Catherine S. Callbeck: Honourable senators, I rise today to draw your attention to volunteerism in Canada. This week is very important, as it is National Volunteer Week. It gives us an opportunity to reflect on and pay tribute to those who are moved to support other citizens in their community by voluntary contributions of both time and money.

Reflecting on volunteerism, I wish to draw your attention to a recent study conducted by Statistics Canada. In the most recent National Survey on Giving, Volunteering and Participating, Statistics Canada showed that the average annual number of hours contributed per volunteer in Canada has increased since 1997. Unfortunately, the estimated percentage of Canadians who volunteer has declined in all provinces, except Prince Edward Island.

I should like to urge all Canadians to become volunteers and to commend those who are currently volunteering. Volunteers are vital and they contribute to our society in so many ways. They coach and mentor youth, provide services for the elderly, ill and those in need. They work as advocates and educators for important issues, such as the environment and family violence. Volunteering is a wonderful way to give back to and become involved in one's community.

Honourable senators, let us join together to thank and celebrate volunteers across Canada and to urge people to join the volunteer community. Canada is a stronger and better place because of the work of volunteers.

POEM ON ARMENIA BY CHARLES AZNAVOUR

Hon. Shirley Maheu: Honourable senators, today being April 24, I should like to read a poem written by Charles Aznavour. It is called "They Fell."

They fell that year
They vanished from the earth
Never knowing the cause
Or what laws they'd offended
The women fell as well
And the babies they tended
Left to die, left to cry
All condemned by their birth.
They fell like rain
Across the thirsty land
In their hearts they were slain
In their God still believing
All that pity and pain
In that season of grieving
All in vain, all in vain
Just for one helping hand.
They fell like flies
Their eyes still full of sun
Like a dove in its flight
In the path of a rifle
That falls down where it might
As if death were a trifle

And to bring to an end
 A life barely begun.
 And I am of that race
 Who died in unknown places
 Who perished in their pride
 Whose blood rivers ran
 In agony and flight
 With courage on their faces
 They fell into the night
 That waits for every man.
 They fell like tears
 And never knew what for
 In that summer of strife
 Of massacre and war
 Their only crime was life
 Their only guilt was being
 The children of Armenia,
 Nothing less, nothing more.

It is signed "Charles Aznavour."

INTERNATIONAL DAY OF BOOKS FOR YOUNG PEOPLE

Hon. Landon Pearson: Honourable senators, thank you very much for the opportunity to finish the statement I was making yesterday about books and young readers.

Honourable senators, the books we will be celebrating next year will be primarily literary works, and today I wish to promote the liberating power of art. There is plenty of good non-fiction produced for children in Canada on all kinds of subjects, such as popular science, history and how to do practically anything. However, generally speaking, these books do not reach the imagination in the way literature does. Yet, it is by touching the imagination of the child that a good book can penetrate and light up the soul to make the difference, as Emily Dickinson once wrote, "where the meanings are." If it was a Frenchman who coined the phrase "the Republic of Childhood," it was a Russian artist, not surprisingly, who wrote about the role of art and literature in "the ecology of the human soul" and reminded us that a small child's soul is not shaped by the scientific fact that the earth is round, but by wonder and delight at its infinite and varied possibilities.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I wish to echo the comments made by Senator Maheu on today's commemoration. I dedicate this to our friend Senator Setlakwe, whose ancestors were Armenian.

Honourable senators, Senator Maheu's resolution has been on the Orders of the Day for 14 days now. I am most concerned, even though I was told yesterday not to worry. If we do not deal with this motion, it may well be dropped from the Order Paper. There is no need for me to discuss the Armenian question. Senator Kolber will take care of that. This is as important to the Armenian people as the terrible Holocaust during the last world war. One must never be afraid to stand up.

[English]

One never should be afraid to stand up to denounce horrors and tragedies like genocide and the Holocaust. It is written in our Christian Bible, in the Old Testament and in the Koran, that one

must never be afraid to be a witness of the past or a witness of what develops in front of one's eyes. That would include, of course, the situation in the Middle East. However, I do not want to mix the two together.

Honourable senators, it is my wish that we will take action very soon. I am in the hands of Senator Maheu and Senator Setlakwe, and I hope that honourable senators will understand the immense meaning of this anniversary. It is not a question of asking for repair, as we have done in the past. Honourable senators all know that Prime Minister Trudeau was reluctant to make any kind of repair, and the repair that was done by Prime Minister Brian Mulroney concerned the Japanese.

I hope that action will be taking place, and the sooner the better, so that we can vote on this resolution and that action can continue under the able sponsorship of both Senator Maheu and Senator Setlakwe.

ROUTINE PROCEEDINGS

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

MEETING OF ORGANIZATION FOR SECURITY AND
 CO-OPERATION IN EUROPE, PARLIAMENTARY
 ASSEMBLY, FEBRUARY 21-22, 2002—REPORT OF
 CANADIAN DELEGATION TABLED

Hon. Jeremiah S. Grafstein: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Delegation of the Canada-Europe Parliamentary Association, to the Organization for Security and Co-operation in Europe, Parliamentary Assembly, OSCEPA, first winter session in Vienna, Austria, February 21 and 22, 2002.

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO MEET DURING
 SITTING OF THE SENATE

Hon. E. Leo Kolber: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Banking, Trade and Commerce have power to sit at 3:30 p.m. today, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Honourable senators, is leave granted?

Some Hon. Senators: Agreed.

Hon. John Lynch-Staunton (Leader of the Opposition): Would the honourable senator explain why he needs this special permission?

Senator Kolber: Honourable senators, the Competition Commissioner is appearing before our committee and, if we cannot hear him today, I do not know when we will next be able to do so. This session of the Senate may continue beyond 3:30 p.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Senator Lynch-Staunton: I will grant leave, but I am tempted not to because, if the committee cannot hear from the witness today and cannot do so for a long time, it would delay a bill of which we are not too supportive.

The Hon. the Speaker: From the preliminary comments of Senator Lynch-Staunton, I gather leave is granted.

Hon. Consiglio Di Nino: Honourable senators, I too do not wish to withhold leave but I find this inappropriate in light of the time allocation motion. We have been shut down from debate and closure has been invoked. We are in the process of being guillotined and there seems to be no interest on that other side to hold a full debate on the bill.

Although I will not withhold my approval for leave, I should like my position put on the record that I think it is inappropriate to ask for leave when a closure motion is on the floor of this chamber.

The Hon. the Speaker: I have heard reservations but I have also heard that leave is granted, honourable senators. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

QUESTION PERIOD

NATIONAL DEFENCE

COMPENSATION FOR DENT IN SUBMARINE PURCHASED FROM UNITED KINGDOM

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. Could the government advise this house whether or not it has asked the government of the United Kingdom to pay for the dent in the submarine?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is a Canadian submarine. I would presume, since we have taken full ownership, we would not renege on our contract and expect them to pay the damages.

Senator Kinsella: Honourable senators, I wish to ask a supplementary question.

Does the principle of *caveat emptor* operate in the matter of leasing submarines from the British government? I wonder if the Leader of the Government in the Senate could advise us, first, does the government have an estimate as to the cost of the repair to this damaged submarine that we have leased from the United Kingdom?

Senator Carstairs: Honourable senators, I have to apologize to the honourable senator. I have just given him the wrong information.

Senator Kinsella: Again.

Senator Carstairs: Apparently, we will be seeking compensation for any repairs that will be required. Honourable senators, we have an excellent relationship with the British government and I presume that, in this case, they will honour any obligation to which they should subscribe.

Senator Kinsella: I wonder whether the honourable senator could advise this house as to how many millions of dollars the opposition in this place has just saved the Canadian taxpayers?

Senator Carstairs: I have no idea since the dent, as the honourable senator knows, was discovered only recently, and I do not think we have arrived at any cost estimates to this point.

Honourable senators, while I am on my feet, I want to clarify several things that came up yesterday to make sure you have accurate information. Senator Meighen asked me a question with respect to the medals that have been recommended, apparently by some field officers of the United States. They have apparently forwarded recommendations to Washington. However, to this point we have not received any recommendation, but I wish to assure honourable senators that, should we receive such a recommendation, the honours will be granted to the appropriate soldiers.

The other clarification is from Senator Forrestall, who raised an important question yesterday. The honourable senator raised the whole issue of numbers with respect to those serving in Operation Apollo. The numbers apparently can only be attributed as rumours at this time.

BANKING, TRADE AND COMMERCE

HOUSE OF COMMONS REPORT ON BILL TO AMEND COMPETITION ACT AND COMPETITION TRIBUNAL ACT

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have a question for the Chairperson of the Standing Senate Committee on Banking, Trade and Commerce.

The question to Senator Kolber relates to the release of a report from the other place concerning matters that speak to some of the content of Bill C-23. My understanding, in reading the executive summary of that majority report by the House of Commons committee, is that it is suggesting that the government abandon its attempt to deal with Bill C-23, as it is presently before the honourable senator's committee.

Will the committee be looking at the content of that report that has just been released?

Hon. E. Leo Kolber: Honourable senators, that is a good question. I had the report fully vetted early this morning. I have gone over the report with the researcher. This morning I spoke with the chairman of the House committee that issued the report. The honourable senator's interpretation of the report is not what he meant, apparently.

In order to straighten things out and clarify matters, I have invited the chairman of the committee, on behalf of my committee, to meet with us *in camera* tomorrow morning at eleven o'clock, to explain exactly what he thinks was in the report, what it said, and to give members of my committee a chance to question him.

My understanding is that they believe that there are long-term flaws in some of the clauses, but they think it is necessary to pass them as a temporary measure in the event that, in a couple of years, we can get an update on the statute and make changes. In fact, so far, that is the position of our committee.

• (1400)

I do not know what the final position will be, because I can only speak for a few fellow senators and myself on the Liberal side. However, I am told this is what the outcome will be. We will see.

We are also meeting with the Competition Commissioner today.

Senator Kinsella: I wish to extend my thanks to the distinguished Chair of the Standing Senate Committee on Banking, Trade and Commerce for that information. I am delighted to hear that the committee will be meeting with the chair of the committee from the House of Commons on this matter.

Did I hear Senator Kolber suggest that the meeting would be *in camera*? If so, given that this is a public document and that the hearings that the committee conducted would have been held in public, would it not be more appropriate to have that meeting in public?

Senator Kolber: In response to the honourable senator, I do not agree, although I am willing to reconsider.

The honourable senator must understand that in this particular bill are certain parts that people glibly say they do not like. However, the fact is that those sections exist in the original Competition Act. We are dealing with amendments to that act, and they must be carefully reviewed.

There is a limit to what we can do. Some elements were enacted into law two years ago and are not before us.

FOREIGN AFFAIRS AND NATIONAL DEFENCE

FOREIGN/DEFENCE POLICIES REVIEW

Hon. Douglas Roche: Honourable senators, my question is to the Leader of the Government in the Senate.

The government has let it be known that it intends to carry out a foreign policy and a defence policy review. A number of questions are thus raised. First, will there be two reviews, one on each subject, or will there be one review, embracing both elements? Second, what is the timeline for the review? Third, what will be the role of the House of Commons committees on foreign affairs and defence, and the Senate committees on foreign affairs and defence?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his questions.

As honourable senators are aware, the Minister of Foreign Affairs is proposing that a foreign and defence policies review take place. However, no decision of the kind the honourable senator is suggesting have yet been made.

In other words, I cannot answer whether there will be one or two reviews, because I do not think that decision has been made. In addition, the decision as to the actual participation level of House of Commons committees or Senate committees has not been determined.

I can inform the honourable senator that I have advised the minister that I would anticipate that senators would be very much engaged in such a review.

Senator Roche: I thank the minister for that answer and I appreciate that the final decisions have not been made.

Would the Leader of the Government keep in mind the recommendation in the report of the Standing Senate Committee on National Security and Defence, now before the Senate, that in the case of such reviews foreign policy reviews should precede defence policy reviews? The idea embodied in the report of that Senate committee could be carried forward in the decision-making process.

My supplementary question deals with public input. I appreciate that no final decision has been taken. I would ask that my next question be taken as a representation.

Will those non-governmental organizations that are deeply involved in the implementation of Canada's policies in such fields as disarmament and arms control, international development, and human rights, have an opportunity to contribute their views during the government's review?

Senator Carstairs: As has been indicated, no decision has been made with respect to the structure of the two reviews, whether it will be a foreign policy review first, followed by a defence policy review, or whether the two reviews will take place concurrently. However, I will remind the Minister of Foreign Affairs of the recommendation in the Senate report. In addition, I will bring forward the honourable senator's recommendation that NGOs with great experience in both defence and foreign affairs be invited to provide their input.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I would like to interrupt Question Period to draw your attention to the presence in the gallery of guests from the Parliament at Westminster, the Rt. Hon. Lord Williams of Mostyn, Leader of the House of Lords; and, with him, the High Commissioner of the United Kingdom to Canada.

On behalf of all honourable senators, I bid you welcome to the Senate of Canada.

HUMAN RESOURCES DEVELOPMENT

FRAUDULENT USE OF SOCIAL INSURANCE NUMBERS

Hon. Roch Bolduc: My question is for the Leader of the Government in the Senate.

Several years ago, the former Auditor General, Denis Desautels, wrote a report about the problem of handling social insurance numbers. He outlined the curiosity of lax security procedures. In one case, a man obtained 72 social insurance cards using the identities of dead children. Another scam artist used bogus SINs to file 25 Employment Insurance claims, totalling \$450,000.

Mr. Desautels pointed out that 300,000 people were aged 100 years and older while, in reality, the census said there were about 3,000 people in that age range.

Today we learned that the federal government has identified 200,000 dead Canadians with active social insurance numbers. Could we receive an assurance from the minister that this matter will be addressed?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, Senator Bolduc is aware not only of Mr. Desautels' report on this matter at an earlier time, but of the federal government's ongoing efforts. Some things have been done. The investigations, for example, have increased to 7,000 per year. Earlier, they were running at about 2,500 a year.

One of the identified problems, though, has not entirely been solved. While we ask Canadians, as part of their reporting procedures on a death in the family, to either return the social insurance number or to let the government know that the person has been deceased, that is frequently not done. We are now looking at ways in which to eliminate those SIN numbers as quickly as possible.

[Translation]

Senator Bolduc: These social insurance numbers are used for the purposes of employment insurance, pensions and several other benefits. If there are five or six systems that are linked by the SIN, the head of the network, this becomes worrisome. We are not talking about errors in two or three percent of the cases, but between 200,000 and 300,000 errors. This is a lot! It somewhat undermines the confidence.

The same phenomenon is occurring with people who enter into Canada, apply for refugee status and then disappear without a trace. There are 27,000 refugee claimants we have lost track of in Canada. We are still looking for them. We do not know if they are still in Canada or if they have gone back to their country of origin. We must pay attention to this; the number is considerable. The government needs to improve its monitoring. New technologies should allow for progress on this front.

[English]

Senator Carstairs: Honourable senators, I hope Senator Bolduc is not becoming somewhat morbid in his old age, because the questions he has asked in the chamber this afternoon have been about dead people.

As far as what is going on in the department, Mr. Desautels first identified this serious problem in 1998. Since then 5.6 million SIN cards have been identified. Of that amount, 275,000 dates of birth have been corrected, and 101,000 SIN holders have been identified as deceased. The Auditor General has reported that good progress is being made and we must continue to make that progress.

Hon. Terry Stratton: Honourable senators, we have approximately 200,000 folks who are identified as deceased. Do these folks have the right to vote?

• (1410)

Senator Carstairs: If the Honourable Senator Stratton filled out his own income tax form, which I proudly did, I am sure he would have noticed a little "yes" box on that form making him an automatic voter should he have chosen to check the box. I am not sure how a dead person could put their little mark on that one.

Senator Stratton: I have gone through the experience recently and others, potentially, could have as well. Would the leader not agree with that? One could check the little box by accident and therefore vote on that person's behalf at the next federal election, potentially 200,000 times.

Senator Carstairs: Presumably that person would also be paying the income taxes for 200,000 people, and I am not sure anyone would wish to do that.

Senator Stratton: I have taken the analogy a little far, yes.

CAPE BRETON DEVELOPMENT CORPORATION

NEGOTIATIONS ON REOPENING DONKIN MINE—
REQUEST FOR UPDATE

Hon. John Buchanan: Honourable senators, I have a question for the Leader of the Government in the Senate. I want to make sure I am heard because it is a question involving Nova Scotia. I know that the Leader of the Government in the Senate will be very pleased to answer it in a positive and correct way, even though she lives in Western Canada, as she is really from Halifax, Nova Scotia.

Senator Stratton: Too many Atlantic senators here.

Senator Buchanan: I will bring up the question of the Cape Breton Development Corporation. We are all well aware of it, as is the senator to my right, who was the Minister of Energy not that many years ago.

Senator Carney: Her name was Pat Carney, not John Crosbie.

Senator Buchanan: Senator Pat Carney, not John Crosbie. What was I going to ask?

Senator Rompkey: Tell us where Senator Carstairs was born again.

Senator Buchanan: Right in the south end of Halifax. When I was elected premier, one of my first visits was to her father. He called and asked me to come down to see him, so I went down and had lunch with him.

As honourable senators may know, there is an application at present by the Nova Scotia Power Corporation for a rather large increase in power rates in Nova Scotia. The major reasons they are giving for the increase are, first, the cost of U.S. coal delivered to the power plants in Cape Breton, and second, the exchange rate, which is hurting them.

The problem is that we have millions of tonnes of coal in the ground in the Donkin seam in the Sydney coalfields. Senator Rompkey is well aware of that because we visited the Donkin mine, which is not open, but there are brand new tunnels.

Could the minister obtain an up-to-date report on any negotiations — and I believe there have been some — between the Cape Breton cooperative group and the federal government and Devco regarding the Donkin mine in the Sydney coalfields?

Millions of tonnes of coal could be mined at the rate of about 1 million to 1.5 million tonnes a year, which would go a long way to supplying the needs of the Nova Scotia Power Corporation. Also, it would be paid for in Canadian dollars, which is cheaper than continuing to buy U.S. coal.

What I would like is a comprehensive report on what is going on at present and how close we are to opening a new mine in Cape Breton to supply good thermal coal.

Hon. Sharon Carstairs (Leader of the Government): I thank Senator Buchanan not only for his question but also for some of my family history. I think it is important that I correct some of that family history. I was not born in the south end of Halifax. I was born and returned to 381 Quinpool Road, which is in the west end of Halifax, and I went to Oxford Street School and St. Agnes School. Is there anything else the honourable senator would like to know?

In terms of the question, of course I would be very pleased to obtain an update for him on any negotiations that have taken place.

FISHERIES AND OCEANS

GOVERNMENT ACTION TO PROTECT GROUND FISH
STOCKS FROM FOREIGN OVERFISHING

Hon. Ethel Cochrane: Honourable senators, according to media reports, our groundfish stocks are on the verge of a complete collapse. While conservation is a priority for Canada, that is not the case for many other countries. While Ottawa has closed our ports to Estonia and the Faeroe Islands, both of these countries fish shrimp, and at the present time our shrimp stock is healthy.

What action is the federal government taking now with regard to countries like Russia, Spain and Portugal that have traditionally fished our groundfish stocks, such as cod and flounder?

Hon. Sharon Carstairs (Leader of the Government): First, I reject the premise of the honourable senator's question that our groundfish stocks are near or have achieved complete collapse. It is simply not true. The fish stocks in this country, particularly in the Atlantic fishery, have certainly been under stress for a great number of years. The conservation policies that have been put into effect by her government and our government hopefully will achieve success in the long term, although probably not for some years to come.

The government is continuing to develop a strategy with regard to that fishery. As the honourable senator well knows, the government has passed very strenuous rules with respect to how to deal with vessels that are overfishing. We have not had the full cooperation of other organizations, but we are working to achieve that. I was delighted by a recent press release from the Premier of Newfoundland in which he clearly indicated that he would work extremely closely with the federal government because not doing so would not be in the interest of the Newfoundland fishery.

FINANCE

ALLOCATION OF FUNDS TO RURAL AREAS

Hon. Leonard J. Gustafson: To the Leader of the Government in the Senate, the resources of Canada have yielded great benefit for Canadians, whether it is fisheries, mining, agriculture, forestry, or oil and gas. Yesterday, the Minister of Finance suggested that we put more money into the big cities of the country. Yet, at the same time, we have very serious problems in rural development.

Does the honourable leader not think that it would be possible to leave some of that wealth in the rural areas? The resources of this country come from the rural areas, but it seems that we are pouring all of them into the most urbanized areas of the country, while neglecting the rural areas and lands of this great country.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I do not think it is of value to Canada and the Canadian people to pit urban dwellers against rural dwellers. As a primarily urban dweller, I think that the rural community in this country has serious problems that need to be addressed. I also think, as an urban dweller, that there are serious urban problems that need to be addressed, and I do not think we should pit one against the other.

Senator Gustafson: It is not a matter of pitting one against the other. The problem is that when resources are taken from the rural areas and left with the federal government, it takes about four times as much money to administer than if they had been left with the municipal or the provincial governments.

• (1420)

I am suggesting that the honourable senator make an inquiry into the importance of leaving some of those funds with the rural communities. For instance, our roads are going to pieces in the Prairie region and across the country. If you take that revenue and put it into the central government, by the time that gets back to the rural areas there is nothing left. It is all used up in administration.

Would this not be an advisable way to approach some of these problems, not pitting rural against urban, or urban against rural, but simply doing the sensible thing in certain situations?

Senator Carstairs: Honourable senators, I think we could have such a study. Perhaps it is something that the honourable senator's particular committee would like to examine. However, the reality is that the resource policy in this country leaves the majority of the resources with the provincial governments.

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Leave having been given to revert to Notices of Motions:

Hon. Lorna Milne: Honourable senators, notwithstanding rule 58(1)(a), I ask for leave to move:

That the Standing Senate Committee on Legal and Constitutional Affairs have the power to sit today, Wednesday, April 24, 2002, at 4:30 p.m., even though the Senate may then be sitting, for the purpose of receiving evidence from the Minister of Justice and the Attorney General of Canada and his officials during its consideration of Bill S-41, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

[Senator Gustafson]

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: I have a happy task, honourable senators, and that is to introduce pages visiting from the House of Commons.

Lauren Wihak of Regina, Saskatchewan, is pursuing her studies at the Faculty of Social Sciences at the University of Ottawa. Her major is criminology. Welcome.

Andrew Carricato, of Sault Ste. Marie, Ontario, is enrolled in the Faculty of Social Sciences at the University of Ottawa and is majoring in political science. Welcome.

[Translation]

ORDERS OF THE DAY

NATIONAL HORSE OF CANADA BILL

MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-22, to provide for the recognition of the Canadian horse as the national horse of Canada, and acquainting the Senate that they have passed this bill without amendment.

[English]

CRIMINAL LAW AMENDMENT BILL, 2001

MESSAGE FROM COMMONS

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that a message has been received from the House of Commons, which reads as follows:

ORDERED, —

That the amendments numbered 1(b) and 2 made by the Senate to Bill C-15A, to amend the Criminal Code and to amend other Acts, be now read a second time and concurred in; and

That a Message be sent to the Senate to acquaint Their Honours that this House disagrees with the amendment numbered 1(a) made by the Senate to Bill C-15A, to amend the Criminal Code and to amend other Acts, because the amendment could exempt offenders from criminal liability even in cases where they knowingly transmit or make available child pornography.

ATTEST

William C. Corbett,
The Clerk of the House of Commons

Honourable senators, when shall this message be taken into consideration?

On motion of Senator Robichaud, message placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, under Government Business, I would like us to deal first with Motion No. 1 and then revert to the Orders of the Day as they appear in the Order Paper.

FOREIGN MISSIONS AND INTERNATIONAL ORGANIZATIONS ACT

BILL TO AMEND—THIRD READING— MOTION FOR TIME ALLOCATION ADOPTED

Hon. Fernand Robichaud (Deputy Leader of the Government) moved, pursuant to notice of April 23, 2002:

That, pursuant to rule 39, not more than a further six hours of debate be allocated for the consideration of third reading of Bill C-35, to amend the Foreign Missions and International Organizations Act;

That when debate comes to an end or when the time provided for the consideration of the said motion has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the said motion; and

That any recorded vote or votes on the said question shall be taken in accordance with rule 39(4).

He said: Honourable senators, I would like to briefly look at the history of Bill C-35. This bill went through first reading on December 5, 2001. Second reading was moved by the Honourable Senator Graham, who made a speech on December 10; the Honourable Senator Stratton then took the adjournment and he spoke on this legislation on December 14; the bill was then referred to the Senate Committee on Foreign Affairs.

• (1430)

At the committee stage, the members met on three occasions to consider the bill: February 5 and 20, 2002, and March 12, 2002. The committee reported the bill without amendment on March 13, 2002.

The debate on third reading was initiated by the Honourable Senator Graham on March 14, 2002. Senator Corbin also spoke on adjournment of the debate and the debate was then deferred to a subsequent session by the Honourable Senator Stratton.

You will no doubt recall that, at that time, the Honourable Senator Stratton indicated that he agreed to have Senator Corbin speak. However, he also wanted to maintain the opposition's privilege, whereby the second speaker normally is given 45 minutes. Of course, there was agreement on this.

On April 17, 2002, the Honourable Senator Stratton spoke on Bill C-35, proposing an amendment that was defeated on April 18, 2002. Another amendment, by the Honourable Senator Andreychuk, was defeated on April 23, 2002.

Honourable senators, the opposition has had ample time to get organized and present its arguments and amendments. Moreover, there were seven sitting days when the opposition said nothing. It did not take advantage of these opportunities to debate the bill.

The motion I am proposing allocates another six hours of debate. I invite honourable senators to support this motion, which will enable the government to dispose of Bill C-35 while giving honourable senators time to pursue the debate on it.

[English]

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, that is a pretty weak argument for an item, which, as far as we can see from reading the bill, does not require a decision this very day. Perhaps the Deputy Leader of the Government could indicate, what in the bill, requires that time allocation be imposed. What does the government need today that it cannot wait for until our amendments have been dealt with?

[Translation]

Senator Robichaud: Honourable senators, this bill has been before us long enough for the official opposition to have had time to consider it. It was considered for a certain length of time in committee. It was reported without amendment. Then more time went by during which the opposition could have again debated this bill and put forward amendments. In fact, it did so on two occasions. This procedure allows you to put forward other amendments, because there is provision for at least six hours of debate allowing you to put forward and argue these amendments.

[English]

Senator Lynch-Staunton: The point is not that we should be grateful to the deputy leader for allowing us six hours. The point is, why is he allowing only six hours of debate on this bill? What in this bill is so important that the government must have it passed today? What would happen if it passed only next week?

All we are hearing is that we have had enough time. How can the government say that the opposition has had enough time? It is not for the opposition to work on government-imposed deadlines. It is the job of the opposition to analyze bills and bring what it thinks are improvements to them, and not within a time frame imposed by the majority.

I wanted to hear that an international conference is being held in Alberta in the middle of June and that certain aspects of this bill are essential to prepare for the conference in the proper way, considering the threats to which all international conferences of this magnitude are subjected.

What provision or clause in this bill says that it must be passed today? What is wrong with tomorrow, next week or the end of the month? I only want to know what it is. The government should convince us that they need to have this bill passed today. Do not tell us that we have had enough time. It is not for the government to tell the opposition they have had enough time. It is for the government to convince this house that the immediate passage of the bill is essential and that the opposition has been obstructing it purposefully. That is the argument that should allow for the approval of time allocation, not a whimsical, discretionary decision that we have had enough time. That is arrogant and unacceptable. Tell us what is in the bill.

[Translation]

Senator Robichaud: Honourable senators, I was not expecting the Honourable Leader of the Opposition to agree to a time allocation motion. I could turn around and ask him: Why not now? Why not today? The government obviously has a legislative agenda. In order for this process to be concluded and for this bill to proceed, we have tried to convince the Leader of the Opposition to reach an agreement and to have the bill passed at third reading. That agreement was not forthcoming. Since we believe that reasonable time has been allowed for consideration of this bill, we wish to move ahead to the final stage, third reading of Bill C-35.

[English]

Senator Lynch-Staunton: If the Order Paper were heavy with government business, that argument might be acceptable. However, there is no government business on the Order Paper. There is one bill, to which Senator Beaudoin will speak on Thursday. All the other bills are in committee. It should be an embarrassment to the government to say that because their priorities are such, they shall dispose of this bill according to their own deadlines. What else will we do on government legislation this week? There is nothing to do.

• (1440)

I return to my question for the last time. What is in the bill that requires the government to have it today, or tomorrow at the latest? What clauses, if not given Royal Assent within 24 hours, will severely affect preparations for the G8 meeting in Alberta in June or any other activity? I want to know. We read the bill again this morning and we have found no such thing.

[Translation]

Senator Robichaud: Honourable senators, the Leader of the Opposition presented part of the argument. We were saying that the current legislative agenda is not overwhelming. We could have

dealt with this bill a long time ago. It is not as if honourable senators from the opposition had been buried under an avalanche of bills that would have prevented them from considering this bill. I think that the argument made by the Honourable Leader of the Opposition justifies our moving forward.

This is the only legislation before us, so why not deal with it now? After all, we must move forward with the legislative agenda, otherwise we are wasting our time here!

Senator Lynch-Staunton: Honourable senators, we do not want to hold up the government's legislative agenda. On the contrary, if there ever was an opposition that cooperated with the government to achieve this goal, it is definitely this one! Compared to the role the opposition played under the Conservative government, with all the trouble there was, not to mention the infamous debate on the GST, it must be said that the respect currently shown for this institution and for the will of the majority was lacking back then. I am beginning to believe that we may have made a very generous contribution.

Today, we are told that we must proceed with the government's legislative agenda. We fully agree, but why impose closure? Why further frustrate the 30 senators who form the minority and who are facing the 62 senators who make up the majority, not to mention that there are still seven vacancies? It seems as though the more you are, the more impatient you get.

We have two or three amendments to move during the six hours allotted, if we must. It would have been wiser for the government to accept that this bill is not such a priority that it needs to be wrapped up today. We could have debated it for a few days, particularly since we are still waiting to hear from the government in response to our amendments. There is an embarrassing silence coming from the government side.

Senator Stratton moved an amendment that would benefit both Houses of Parliament. This amendment stipulates that the Minister of Foreign Affairs would be required to table an annual report on the implementation of the legislation to ensure that there was no abuse. We know that this is a bill that lends itself to abuse.

Then, unanimously, in an extremely embarrassing silence, the Liberals rejected this proposal. Yet this was a proposal that would strengthen the role of Parliament in the bill's implementation. It was rejected without explanation and, in my opinion, this is an embarrassing situation for the government, and particularly for the Senate.

We will be moving other amendments. I will come back to the amendments. I would ask the sponsor of the bill, who has since been silent — as well as the leaders — to answer. They could explain why they do not support the amendments, if that is indeed the case, and if they do support them, vote accordingly.

[Senator Lynch-staunton]

Senator Robichaud: Honourable senators, I never questioned the cooperation of the opposition leaders, which is well appreciated. We have a very good working relationship, which adds to the non-partisan nature of this institution.

When the Leader of the Opposition says that there were amendments moved, I must inform him that one of these amendments was already considered in committee and defeated at the time. I do not see the point in giving the same speech over and over. I therefore invite honourable senators to agree to this motion.

[English]

Hon. Terry Stratton: Honourable senators, I should like to get my two cents in here, somehow. When this matter was in committee, we heard from Minister Graham.

The Hon. the Speaker: I am sorry to interrupt the honourable senator, but this particular item of business is a motion. The time limit for speeches is 15 minutes. Senator Robichaud's time has expired. I take it the Honourable Senator Stratton is making a new intervention.

Senator Stratton: When the minister was before the committee, there was a debate on the bill and questions were asked. I asked the minister if he would consider an amendment regarding reporting to Parliament the activities of the minister in that particular area. He rejected my suggestion outright. That was the extent of it. There was no amendment put forward.

To give honourable senators some history on this matter, I was absent for two weeks from this chamber, having said that I would speak upon my return. However, I missed that by one day.

Senator Robichaud: The most important day of the year.

Senator Stratton: I still do not understand the urgency as to the one day. Since I have been back, this urgency has risen. Forgive me, honourable senators, for I had to be away for those two weeks. It is understandable, such things happen. We, in this place, accept those things.

The Deputy Leader of the Government did not answer the question put forward by our leader. What is in the bill that gives rise to such urgency? The honourable senator has still not answered that question.

Does the honourable senator's muteness on that specific issue mean that there is nothing in the bill? Is that what I am to assume?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, Senator Robichaud cannot answer the question since the Speaker has indicated that his time has expired.

It is quite true that Senator Stratton was away for two weeks. I indicated to the leadership at that time that this was an important bill, that the government wished us to move forward with it and, since we did not have a heavy legislative agenda, in the grand spirit of cooperation we agreed that the honourable senator, being the sponsor, should speak to the bill upon his return. What we did not agree to was that no other senator on that side would speak to the bill.

Senator Lynch-Staunton: Since when?

Senator Carstairs: There were two weeks in which we were under the impression, clearly indicated because no one opposite chose to speak, that no one opposite wished to speak to the bill. I think that was a logical assumption to make. We were under the impression that Senator Stratton would return and, upon his return, he would introduce immediately an amendment to the bill. However, that is not what happened. The reality is that, for two weeks, the other side chose not to say anything about this bill.

There are orderly processes that are followed in parliamentary traditions. I do not think that there is any speedup on our part for this bill. We have again agreed to six hours of debate. We think that debate should begin as soon as possible so that all senators who have something to contribute can do so.

• (1450)

Senator Stratton: I assume from the muteness of the side opposite on the specific question that there is nothing in this bill that would lead to its urgent passage. Is that what you are telling us by your muteness?

Senator Carstairs: If one were to follow that logic, Senator Stratton, we would never pass anything.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise to participate in the debate on the motion that is before the house. We need to understand the process that is involved when time allocation, the guillotine or closure is imposed, as it speaks to the parliamentary process and the dynamic within the chamber. I think the record sustains the views advanced on process in terms of the amendments brought forward at third reading as soon as the critic on this side rose and spoke on the legislation. The circumstances of the timeline in which that took place have been explained.

Honourable senators, the use of time allocation by the majority in a legislative chamber is not something that we should take lightly — that neither the majority nor the minority should consider lightly. After all, "time allocation" effectively means, in very polite words, cutting off debate. It is shutting people up. It is interfering with the right to speak, the right to express opinions. The term "Parliament" is all about a house in which we speak — "parler." This is the nature of the institution in which we all have the privilege to serve.

I know from a management standpoint how difficult it is to manage a legislative agenda. I have great empathy with the Deputy Leader of the Government in his efforts to manage the legislative agenda given to him by his principals. The debate here has to be about the application of a provision that is in the rules and how it impacts upon the rights of honourable senators to participate freely in open debate. This is the issue.

I would like to demythologize the closure technique. We can all look at Erskine May or Beauchesne. Indeed, our rules describe fairly distinctly the mechanism of the closure. I will leave that aside for a moment and turn to the issue. What is it that the government is closing down? You are closing down the right of honourable senators to participate in the debate. That is what we must focus on.

What has been the nature of the debate at third reading of Bill C-35? Just a moment ago, the Honourable Leader of the Government gave her view as to how she saw debate. I got the impression, from what she was saying, that debate is when the government gets up and makes a statement, and then the opposition gets up and makes a statement. It is not that sterile. In fact, it ought not to be sterile. In a debate, we listen and use some of the other senses that we have. For instance, as I listened to Senator Stratton the other day, he said something I did not realize about the bill. I was not on the committee. After that I read the bill very rapidly and realized that he had raised a new and valid point.

Honourable senators, it is only after we hear what senators say in the chamber that we know whether or not we wish to rise and participate in the debate. Hopefully, we do not come in with fixed texts where we get up in a sterile, mechanical kind of fashion and simply read. This is a speaking chamber. This is not a lecture hall or a reading hall; this is a debating hall; this is Parliament.

Whether it is a member on the government side making an intervention or one of my colleagues in the opposition, such as Senator Stratton, I am listening to what they are saying. When they bring new data to bear on the public issue contained in the bill, I then may wish to join that debate. That is why when a senator moves an amendment, we all have the right to rise and participate in the debate on the amendment, because it is a new issue or an issue that adds to the general issue of the bill. This is what it is about.

For the government to suggest that they waited for the opposition critic to get up and speak and in so doing close the debate is not right. We are listening to what honourable senators are saying about the amendment. If we are not, we should not be here. We should not be voting on bills if we have not read the bills. We should not be voting on amendments, as was well pointed out the other day by Senator Gauthier and Senator Corbin, if we do not have the amendment or the motion in both official languages before us. This is a place where we do not simply talk; we also reflect.

Honourable senators, I think that the closing down of a debate speaks to the heart of democracy. It speaks to the heart of this kind of an institution, which is a place where we discuss. The content has to modify the process. When the process is being utilized to close down the examination and the debate on the content, we have to look very carefully as to whether or not there

has been sufficiency of time. I do not believe that there has been sufficiency of time to complete the third reading debate. We have come a long way: we have come from first reading to second reading debate, to committee, report of committee, and we are at the last stage. We are not at the early stage of a bill. We need a few more days.

In terms of the process, when the Deputy Leader of the Government has discussions with the Deputy Leader of the Opposition, sometimes it is not easy for either of us, particularly the Deputy Leader of the Opposition, to know precisely when something will finish. If in the midst of a debate new ideas are coming up, it would be rather presumptuous and quite wrong to give, with all due diligence, a commitment that the debate must close at a certain time. Something new may come up, as has come up at the third reading stage of Bill C-35.

Based on the experience we have in this place, I would guess that we need just a few more days and this debate will be all over. I would go so far as to say probably by next Wednesday or Thursday. However, I cannot say with great certainty because we all know that it is safer to speak as a historian than as a prophet, although we do our best. I acknowledge that, in respect of the motion we have before us, the steps have been followed according to our rules, but whether it is justifiable is another issue. I do not believe it is justifiable. Therefore, I will vote against the motion.

• (1500)

Hon. Consiglio Di Nino: Honourable senators, I, too, wish to join in this debate. We have heard presentations by my colleagues. One that impressed me was Senator Lynch-Staunton's questioning of the Deputy Leader of the Government when he asked, in essence, "Give me a good reason. What is the benefit to Canadians to rush this bill through and to suspend the normal operation of the Senate?" Senator Robichaud did not give us a good reason. I am assuming that he does not have one.

What are we talking about here? We are talking about a bill that, in itself, suspends certain normal practices of our country. This bill extends diplomatic immunity beyond treaty-based organizations and beyond normal diplomatic missions.

I guess that this particular authority is needed from time to time. I do not doubt that there is some use it. However, this is an important issue dealing with the admission to Canada of certain people under a blanket authority. Have we done sufficient analysis of those people? Serious questions must be raised, including the ability of this chamber and the Parliament of Canada to have a level of comfort that someone will be supervising this measure. That is what Senator Stratton's suggested amendment addresses. It was dismissed out of hand not only by the minister but also by this chamber.

The issue we are talking about, honourable senators, is serious. Do we suspend the normal operation of this chamber because the government says that we have had enough time to study the bill? We have suspended the normal business operations of the chamber as far as debate is concerned, and yet we have given authority for two committees to sit while the Senate sits. I spoke about the committee on which I am presently serving, the Standing Senate Committee on Banking, Trade and Commerce,

and about my concerns. While there is a closure motion and while we are being restricted in our normal operations, we are saying that it is business as usual as far as two Senate committees are concerned. I think that is inappropriate, and one of these days, if I am able to do so, I will bring forward a motion stating that we should stop that practice. However, that is another issue. Presently, we are debating the motion to withdraw the right of debate on this issue.

Honourable senators, there are 30 Conservative senators, not all of whom are able to participate. We are limited now to 15 minutes of time per speaker. If all of us wanted to speak, it would only amount to six hours of debate.

Senator Tkachuk: That is too much for them.

Senator Di Nino: What is this charade? By its omission, the government has agreed that it is not an important issue, sufficiently so to suspend the rights of members of this chamber — at least, that is the way I read it.

What is the hurry? The government says, “If not, why not today? There is not much business.”

Perhaps I can speak for this side of the chamber. We have had some discussions with senators opposite. Because of the limited number of senators on this side, we do have a busy agenda. Some of us are juggling a number of different responsibilities. Frankly, we do not have as much time as we would like to have, particularly in the chamber, to effectively and efficiently do as good a job as we would like to do if we had 50 members. The Prime Minister should do something about that, and honourable senators opposite should tell him that.

We do have other responsibilities to juggle. This is our problem, not that of the other side, but we should put on the record that we are not sitting around doing nothing. As a matter of fact, most senators on both sides of this chamber are busy 12 to 14 hours every day that we are here. That is an answer to Senator Robichaud. The workload of the opposition side is a little heavier than it is for the government side because we are fewer in number. Nevertheless, we must cover the same committees and issues, and we must attend the chamber as well. Democracy does not work without a strong opposition.

Withdrawing the right of senators to debate an issue, for whatever reasonable period of time to fully satisfy the members of this house, is wrong. It was wrong when other governments did it and it is wrong when this government does it.

Together with my colleagues who have spoken — and I trust every colleague on this side, honourable senators — I will, with my vote, record my objection to this action.

Hon. Tommy Banks: May I ask a question of the Honourable Senator Di Nino?

The Hon. the Speaker: Will Honourable Senator Di Nino take a question?

Senator Di Nino: Absolutely.

Senator Banks: By way of instruction, the honourable senator has just said that if every member opposite spoke in opposition to this bill, it would take six hours. Six hours is the amount of time that is proposed in the motion. Who else would speak in opposition so that the debate would take more than six hours?

Senator Di Nino: Senator Banks is making the point I am making. Assuming that none of us had any other responsibilities or carriage of areas that we were responsible for on behalf of the chamber, we could all speak at once. That does not happen. We are all involved in other legislation, in committee work, in reviewing committee reports and in other responsibilities. If this debate proceeded in a normal course, as colleague Senator Kinsella said, in the next two or three days it would be finished anyway. Since there is no urgency, why put us through this acrimonious time allocation debate, which adds no value to the relationship in the chamber?

Senator Banks: I understand that the honourable senator has many things to do, just as we do, but the motion does not say that the Senate will sit for another six hours. It says that the Senate will debate this bill for a further six hours, which could be two hours a day for three days, one hour a day for six days or three hours a day for two days.

Senator Stratton: No, it is today.

Senator Di Nino: Senator Banks' question is not only valid, but one in which I take good faith. What we are talking about is the difference between pushing this bill through quickly, when there seems to be no reason not to allow for the normal process to take place in the Senate, and withdrawing the rights of all senators to do things that we should be doing in the course of normal business. The opposition has neither the strength nor the tools to hold up this bill for very long.

My leader has said that it is not our intention to hold up this bill.

• (1510)

This bill is not one with which we can play political games. It is not one from which we will look for advantage in one form or another. There are issues here that we think are important. We have said that we should allow the normal process to proceed. In two, three or four days, it will probably be finished. It will not make a difference to the government agenda.

The Hon. the Speaker: If no other senator wishes to speak, then it is my duty to put the question.

I see no one rising.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: There is uncertainty in my mind as to the vote, so I will but the question in this form.

Honourable senators, will those in favour of the motion please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those opposed to the motion please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker: With two senators rising, it is my obligation to call in the senators. It is a one-hour bell.

Hon. William Rompkey: Honourable senators, I propose that we have a 20-minute bell.

The Hon. the Speaker: Honourable senators, a suggestion has been made that a variation from the rules take place. Is there agreement to that?

Senator Stratton: The rule is one hour.

The Hon. the Speaker: Call in the senators. The bell will ring for one hour.

• (1610)

Motion agreed to on the following division:

YEAS THE HONOURABLE SENATORS

Adams
Austin
Bacon
Baker
Banks
Biron
Carstairs
Chalifoux
Christensen
Cook
Cools
De Bané
Fairbairn
Fitzpatrick
Fraser
Furey
Gauthier
Gill
Graham
Hervieux-Payette
Hubley

Joyal
Kenny
Kirby
Kolber
Kroft
LaPierre
Losier-Cool
Maheu
Mahovlich
Milne
Morin
Pearson
Pépin
Poulin
Robichaud
Rompkey
Setlakwe
Sibbeston
Taylor
Tunney—41

NAYS THE HONOURABLE SENATORS

Andreychuk
Atkins
Beaudoin
Bolduc
Buchanan
Cochrane
Comeau
Di Nino
Eyton
Gustafson
Johnson
Kelleher

Kinsella
Lynch-Staunton
Meighen
Murray
Nolin
Oliver
Prud'homme
Rivest
Roche
Stratton
Tkachuk—23

ABSTENTIONS THE HONOURABLE SENATORS

Nil

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO MEETING DURING SITTING OF THE SENATE

Leave having been given to revert to Notices of Motions:

Hon. Michael Kirby: Honourable senators, the Standing Senate Committee on Social Affairs, Science and Technology has had a witness waiting since 3:30. With leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Social Affairs, Science and Technology have power to sit while the Senate is sitting today, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Prud'homme: I am not sure.

The Hon. the Speaker: I will put the question again. Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

• (1620)

FOREIGN MISSIONS AND INTERNATIONAL ORGANIZATIONS ACT

BILL TO AMEND—THIRD READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Graham, P.C., seconded by the Honourable Senator Pélipin, for the third reading of Bill C-35, to amend the Foreign Missions and International Organizations Act.

Hon. Consiglio Di Nino: Honourable senators, I am pleased to participate in this debate on Bill C-35.

As we continue our third reading debate on Bill C-35, I should like to point out some of the flaws we feel are contained in this bill. Both Senators Stratton and Andreychuk from our side have pointed out the powers given to this government under the bill, and there are areas of concern to them.

I will provide examples. First, Senator Stratton reminded us that Bill C-35, notwithstanding what has been suggested by our colleagues opposite...

The Hon. the Speaker: Senator Di Nino, I am sorry to interrupt you. I ask all honourable senators that if they have conversations they must conduct, please do so beyond the chamber. Some of us are having difficulty hearing Senator Di Nino on this important topic.

Senator Di Nino: Honourable senators, as I was saying, Senator Stratton informed us that this bill had not received sufficient scrutiny, particularly in the community.

This bill will grant greater diplomatic immunity to a greater number of people. As we have heard, Bill C-35 extends diplomatic immunity beyond treaty-based organizations and normal diplomatic missions to any intergovernmental organization of two or more countries. In effect, at any conferences held in Canada, such as the G8 to be held in Kananaskis this summer, those coming from different countries will be given diplomatic immunity. This is waiving the normal agreements or covenants we have with these different states on the granting of diplomatic immunity to our diplomats.

Senator Andreychuk highlighted one of our concerns when she spoke on April 18, 2002. At page 2641 of the *Debates of the Senate*, she quotes the committee testimony of Mr. Matas:

We have concerns that these people are being granted ministers permits, and indeed they are. According to testimony of Joan Atkinson, Assistant Deputy Minister, Citizenship and Immigration Canada, a number of people

who are alleged to have committed crimes against humanity were given a minister's permit at the last francophone summit.

The question we raise is: Will this issue be looked at when granting immunity to a group of people? Will we be as careful as we should be? Bill C-35 makes it easier for such people to get in. Instead of going through the process of a minister signing a permit, the bill would, in effect, give what Senator Andreychuk referred to as a blanket grant.

Honourable senators, those are some of the reasons why we are concerned about giving this bill due scrutiny. We are dealing with extraordinary powers. We on this side are concerned about a statute giving such increased powers to government and the police with no mechanism to ensure accountability. We have seen nothing in the bill — and if those opposite have I wish they would inform us — telling us that actions would be reviewed, that there would be oversight of those allowed to enter and that there would be some supervisory action of these new powers on the part of the government or government agencies.

As has been pointed out under this bill, persons may be admitted to Canada who may not otherwise have qualified for admission. This should give us all cause for concern, certainly cause to pause and reflect.

Honourable senators, the RCMP are being given increased powers to deal with potential demonstrators at international meetings. This bill allows the police to designate the area in which protesters are to be located. There is every possibility that without specific guidelines, this power could be abused. There is an ever-present possibility of political interference of the type condemned by Justice Hughes in his report on the APEC inquiry.

What is missing is an agency to monitor the activities that will take place under this bill. There must be some form of accountability, someone to which complaints and concerns can be brought regarding the activities undertaken pursuant to this bill. We, on this side, have tried to find an appropriate body as some form of suggested resolution to this concern we have. In canvassing for such an oversight body, we on this side believe that we should give the responsibility to the Commission for Public Complaints Against the RCMP. We understand that this body is monitoring activities created under Bill C-36, the anti-terrorist legislation. This body exists. The chair, Ms Shirley Heafey, has asked for increased funding to deal with the anticipated increased workload of this commission.

Honourable senators, our suggestion is that the power be given to that commission, and in that vein I should like to move an amendment to Bill C-35 to accomplish that. I have copies of the amendment in both official languages, and I ask the pages to distribute them.

MOTION IN AMENDMENT

• (1630)

Hon. Consiglio Di Nino: Honourable senators, I move, seconded by the Honourable Senator Atkins:

That Bill C-35 be not now read a third time but that it be amended, on page 7, by adding after line 13, the following:

"10.2 (1) If the Royal Canadian Mounted Police intends to carry out responsibilities under section 10.1 in relation to an intergovernmental conference, it shall notify the Royal Canadian Mounted Police Public Complaints Commission of its intention, and the Commission shall monitor the activities performed by the Royal Canadian Mounted Police in carrying out its responsibilities.

(2) After each conference in relation to which the Royal Canadian Mounted Police Public Complaints Commission has monitored activities under subsection (1), the Commission shall submit to the Solicitor General of Canada a report on the activities performed by the Royal Canadian Mounted Police, and the Solicitor General shall cause the report to be laid before both Houses of Parliament within fifteen days after the receipt thereof or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that either House of Parliament is sitting."

I look forward to the support of all honourable senators for this amendment.

Hon. B. Alasdair Graham: Honourable senators, I should like to say a few words on the amendment that has just been moved. I should comment on the reasons the government would not support the amendment which is currently before us. I might also say a word about amendments that were moved earlier by Senator Stratton and Senator Andreychuk.

The Honourable Senator Di Nino raises concerns about the scope of police powers provided for in the bill. This bill will clarify, in statute, the responsibility of the police to provide the necessary security and protection to ensure proper functioning at international events. It is important that the duties and responsibilities that we confer on the police at such international events are clearly set out in our laws.

The police have the duty to keep the peace at these events, to protect persons, including internationally protected persons, from harm and to protect persons engaged in lawful demonstrations from unlawful interference.

The government took the opportunity to examine the issue in careful detail when the bill was before the House of Commons and again when it came before the Standing Senate Committee on Foreign Affairs. I assure all honourable senators that the bill is not intended to, in any way, hinder peaceful protest.

There are, of course, limits on the measures that can be used by the police. These limits are found in the Criminal Code and in the Charter. For example, police are liable if they use excessive force. As well, any security measures taken by the police will still have to satisfy Charter requirements that they are necessary, reasonable and proportionate in the circumstances. In other words, any police measure that limits a Charter right must be justifiable in a free and democratic society.

[Senator Di Nino]

As has been said, Canada will soon be hosting the G8 summit in Alberta. In preparing for this event, we will need to take all necessary steps to ensure that this meeting can take place in safety to protect our visiting world leaders and, indeed, to protect our own citizens.

Repeated reference has been made to Senator Stratton's amendment that would, I believe, have added a statutory requirement for an annual report to Parliament. I will outline the reasons the government believes such a report is not necessary.

Bill C-35 contains proposals to make several administrative amendments to modernize and improve the existing act.

Hon. John Lynch-Staunton (Leader of the Opposition): According to you.

Senator Graham: That is according to me, according to the government and according to the experts that we heard in committees of both this and the other place. Bill C-35 does not represent a major new development in Canadian law that would justify an annual report.

Honourable senators, the Minister of Foreign Affairs noted, in his appearance before the foreign affairs committee:

...Parliament passes a lot of laws, which are all subject to the scrutiny of Parliament at all times.

The minister also stated that he is accountable to answer questions in regard to his responsibility before the House and committees, including the Standing Senate Committee on Foreign Affairs. The minister responsible for the Royal Canadian Mounted Police is similarly accountable.

If the Honourable Senator Stratton's request for an annual report is driven by a concern about not knowing when orders are passed under section 5 of the act, I should like to point out that these orders are published in the *Canada Gazette*.

Senator Lynch-Staunton: Which is widely read.

Senator Graham: I am sure that Senator Lynch-Staunton reads the *Canada Gazette*. If he would like me to get him a subscription, I would be very happy to do so. All honourable senators should have that in their possession.

With respect to immunities, the government has put in place a policy requiring careful monitoring and record keeping on foreign diplomatic behaviour amounting to alleged criminal misconduct. The chief of protocol of the Department of Foreign Affairs has been instructed to prepare a detailed quarterly report on diplomatic misbehaviour to the deputy minister of Foreign Affairs. These quarterly reports are available to any member of the public under the Access to Information Act.

• (1640)

With respect to concerns related to the activities of the RCMP at international conferences, it was noted in committee that the goal of the particular amendment is to give clarity to the already existing authority of the RCMP; and it is not expected to change the way in which the RCMP approach security for international conferences.

Several oversight mechanisms are already in place to monitor the implementation of Bill C-35. These include the minister's performance reports, Parliament, the courts, the Auditor General and the Privacy Commissioner. As for the activities of the RCMP, the RCMP Public Complaints Commission conducts independent inquiries into complaints about the RCMP.

Honourable senators, in my view, there are sufficient and adequate structures already in place for this legislation without creating another reporting requirement.

I would be remiss if I did not say something about the amendment proposed by the Honourable Senator Andreychuk. Her amendment would have limited the effect of the immunity granted under section 5(1) of the Foreign Missions and International Organizations Act. I am sure the proposed amendment was put forward with the best of intentions. However, the idea was raised in committee and, as all honourable senators know, it was rejected.

There are a number of reasons why the amendment was rejected. First, although much of the discussion has been about non-treaty bodies, this is the statute that Canada uses to satisfy its treaty obligations to international organizations. Thus, our treaty obligations to the United Nations or the International Civil Aviation Organization, for example, call for the granting of immunity from civil and criminal jurisdiction in Canada in certain circumstances, and we are obliged to grant it.

Second, and perhaps more important, the interplay between immunities and international law relating to war crimes and crimes against humanity is one of the most complicated areas of international law, as Senator Andreychuk would know because of her past experience. It was the subject of lengthy negotiations concerning the International Criminal Court, and Canada has dealt with it in that context.

The Crimes Against Humanity and War Crimes Act provides that no one may claim immunity, under common law or by statute, from arrest or extradition in Canada, if they are subject to a request for surrender by the International Criminal Court or by any international criminal tribunal that is established by resolution of the Security Council of the United Nations, as listed in a schedule to the act. Currently, that means the international tribunal on the former Yugoslavia and Rwanda.

The proposed amendment, while well-meaning and well-intentioned, ignores the complex structure put in place in those negotiations. For example, it mixes two very separate issues — civil and criminal law.

Immunity is part of international law, as the International Court of Justice has reminded us in the recent case, *Congo v. Belgium*. This was not a case dealing with international organizations, but it is useful to examine it for its ruling on the immunity of foreign ministers and other senior government officials from the jurisdiction of the courts of other countries.

In this case a Belgian court issued an arrest warrant for the Congo foreign minister for war crimes. The International Court of Justice ruled that Belgium had violated international law relating to immunity and that the warrant had to be removed. The law under which it was issued may have to be amended. Perhaps some had hoped that the court would have come to a different conclusion in that case.

However, Canada must obey international law.

I should add that, in that very case, the International Court of Justice noted that immunity is not impunity. The court affirms that the International Criminal Court and the international criminal tribunals have jurisdiction over such crimes and their perpetrators.

As honourable senators are aware, Canada has implemented the Rome Statute of the International Criminal Court through the Crimes Against Humanity and War Crimes Act.

If a foreign official is accused of such crimes, of course, in the normal course of events, Canada is unlikely to invite that official to an international conference in Canada. However, in certain circumstances, there is a need to talk to controversial officials in order to deal with important international issues. If Canada chose, for example, to host a peace conference to resolve an armed conflict, the presence of all players would be required and, at the very least, desired. When the United States was negotiating the Dayton agreement, which formed the basis of ending the war in Bosnia, the United States invited representatives from all parties, including those who were the aggressors. In seeking peace, sometimes the most important person to talk to is the person threatening peace. If we want to deliver improved human rights, sometimes we have to work to change the views of those who seem to threaten human rights. The presence of such individuals is always subject to the Crimes Against Humanity and War Crimes Act.

Where difficult issues of immunity arise, the involvement of international tribunals, such as the International Criminal Court, becomes critical. Canada, through the paramountcy of the Crimes Against Humanity and War Crimes Act, has ensured that we can respond to the need to fight impunity while fulfilling our obligations in relation to immunities and our goal to play an active and meaningful role in world affairs.

The Hon. the Speaker: I see Senator Stratton rising to ask a question. I must advise the honourable senator that Senator Graham's 15 minutes have expired.

Senator Graham, will you take a question? If so, is the honourable senator asking for leave to take it?

Senator Graham: I would be very happy to ask for leave to take a question, in particular from Senator Stratton.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

• (1650)

Hon. Terry Stratton: Honourable senators, with respect to my amendment, Senator Graham has said that the RCMP Complaints Commission will handle these questions. From what I understand — and perhaps Senator Graham could refresh my memory if I am mistaken — if we were to have pickets at an event such as the G8 meeting at Kananaskis, the RCMP would decide where the picket line would be. The concern is that that is not the way it should be. Negotiation should take place between the RCMP and the people who want to protest. As in the APEC inquiry, Mr. Justice Hughes said quite clearly in his interim report that the people who want to protest should be visible, and they should be able to be quite clearly heard.

Here, we have a situation where there is an essential conflict. On the one hand, the RCMP — and if I were them I would do the same thing — wants protesters tucked away in a corner, as was the case in British Columbia. On the other hand, the protesters should have the right to protest, to be visible, and to be heard by those people against whom they are protesting.

Honourable senators, we want to prevent a recurrence of what happened at the APEC conference where we end up with protesters being tucked away in a corner, and the conflict that evolved as a result of that.

Is Senator Graham aware of any change in the RCMP operations whereby that negotiation will now take place and a judgment or a decision, independent of both the RCMP and the protesters, will be made?

Mr. Borovoy of the Canadian Civil Liberties Association said that decision should be made by the minister responsible. My understanding is that that has not taken place. I should like to know how a potential conflict would be resolved in that fashion, namely, to allow the protesters to be seen and heard and yet ensure the security of those people being protested against.

Senator Graham: I thank the Honourable Senator Stratton for his question. It leads to many possible answers.

I will remember Mr. Borovoy of the Civil Liberties Association and his comments. He likened the situation to a contest, almost like a baseball contest, where the protesters had to get as close as possible.

Senator Stratton: No, they wanted to get as close as possible.

Senator Graham: Yes, they wanted to get as close as possible to make their point. He spoke about stress points. Mr. Borovoy did not want the umpire — in this case, I believe he was referring to the RCMP — to interfere excessively. He has a point. However,

remember that someone must be responsible for the security and protection not only of the people participating in, for example, the G8 conference, but also of the citizens who live in that particular area and the people who are there for peaceful protest purposes.

Senator Stratton mentioned Commissioner Hughes and how he dealt with it this issue in his interim APEC report. Commissioner Hughes concluded that security perimeters based on security concerns are neither inconsistent with, nor inappropriate, under the Charter. Specifically, Commissioner Hughes noted in his interim report that:

...the police may enlarge a security perimeter for non-security reasons to the extent necessary to ensure that the venue remains suitable for the purpose of the event.

In the *Knowlton* case, the Supreme Court of Canada said that the establishment of a security perimeter in the immediate proximity of the entrance to a hotel in Edmonton during a visit of Premier Kosygin was necessary and reasonable in light of the need for police to keep the peace and prevent crime. The court took notice of the fact that the official visit of a head of state or a highly placed dignitary is an event that often involves a real or apprehended threat to the peace. Consequently, it requires that appropriate and reasonable security measures be taken by the host country.

I would point out that the RCMP will have prime responsibility. However, the members of the RCMP and those responsible must assess the situation. It may be that a perimeter fence will not be necessary at all. I wish to repeat that: It may be that a perimeter fence or a security line will not be necessary at all.

You talk about negotiations with potential protesters. It may well be that the RCMP will talk to potential peaceful protesters.

Perhaps I should go further, honourable senators, if I may. The RCMP cannot do all this work by itself. They will consult with each police force to determine which police force will be responsible for which sphere of activity. For example, the municipal police might be responsible for patrolling the highways; the provincial police might be responsible for maintaining law and order and access to the perimeter, if there is a perimeter; and the RCMP would be responsible for the protection of what is referred to as important persons, and so on, and security for the proper functioning of such an event. Each police force would make decisions in its area of responsibility.

However — and I wish to emphasize this — the RCMP would have the overall lead and responsibility in ensuring that whatever police action takes place, each sphere of activity is geared toward ensuring the protection of those in attendance and the proper functioning of that particular event.

Senator Stratton: That still leaves the RCMP in full charge. It leaves them completely in control. The concern we have is the potential for political interference such as took place at APEC. The honourable senator must share that concern, having experienced APEC meetings.

Nothing that Senator Graham has said alleviates that concern on the part of the protesters. If the RCMP wish to set the protesters off in a corner, they can do that. That is the concern that has not been addressed.

Senator Graham: I am offering my own opinion here, honourable senators. We have all learned some painful lessons from the APEC conference in Vancouver and from the APEC inquiry. It would be my hope that those responsible for the perimeter — if a perimeter is necessary — would talk to those responsible citizens who want to engage in a peaceful protest.

Senator Di Nino: Honourable senators, during closure debate, we may wish to dispense with the 15-minute extension unless many senators wish to participate. It makes for a much better exchange of thoughts and ideas.

• (1700)

Senator Stratton: It is called debate.

Senator Di Nino: I was quite intrigued by the response of Senator Graham to Senator Stratton. I will ask a question or two in regard to the same issue.

We have learned some lessons. I, too, share Senator Graham's hope that these lessons would lead to a different kind of result, not only in Kananaskis for the G8, but at future events of that nature.

It is appropriate, also, to say that all honourable senators in this chamber have much respect for the difficult task that police forces have in dealing with emotions running rampant and participants who may not have totally honourable motives. Police have a tough job. We should respect that and support them to the degree that we can.

Having said that, we will continue to have incidents where things get out of hand. We are dealing with human beings and emotions do get out of hand. This is why we create organizations such as the RCMP Public Complaints Commission. In a perfect world, as described by Senator Graham in his commentary, we would not need Justice Hughes' APEC inquiry or an RCMP complaints commission.

Honourable senators, we should speak to Canadians about transparency, the need for accountability and the presence of an independent oversight of the actions of particular police forces and other bodies. Would Senator Graham not agree that my amendment would go a long way toward satisfying public concern that there be an oversight body?

Sometimes — and I stress that, because it does not happen often, but it does happen — police could react strongly, certainly not intentionally, but under the heat of the day or in response to unreasonable actions by others. Would Senator Graham not agree that the public would be given a certain amount of comfort knowing that there is an oversight body responsible for making

sure that inappropriate actions would at least be reported to appropriate authorities, including Parliament, without having to go through something like the APEC inquiry again?

Senator Graham: Honourable senators, I thank the Honourable Senator Di Nino for his participation, comments and expressions of concern.

I have said that we have all learned lessons from the APEC incident and the inquiry. At this time, I want to express my confidence in the RCMP. I am sure that all honourable senators would agree with the assertion that the RCMP is the finest police body in the world.

A number of statutes other than the RCMP Act already deal with various authorities of the RCMP or the RCMP commissioner. Some of the examples include the Firearms Act, the Criminal Records Act, the DNA Identification Act, the Witness Protection Program Act, the Young Offenders Act, the Northwest Territories Act, the Customs Act and the Excise Tax Act.

Finally, the primary responsibility for the RCMP in respect of internationally protected persons is found not in the RCMP Act but in the Security Offences Act, which has as its main focus the prosecutorial authority of the Attorney General of Canada.

I know the concerns that honourable senators opposite are expressing, and I believe that they have legitimate concerns. Under the circumstances and with this particular piece of legislation, we must place our trust in the Royal Canadian Mounted Police.

Senator Lynch-Staunton: In support of the amendment, I will quote pertinent extracts from a speech given in March of this year by Shirley Heafey. She is Chair of the RCMP Public Complaints Commission.

The extracts I will quote are not taken out of context. I commend the speech to all honourable senators. It is an eloquent and certainly informative assessment of the problems the complaints commission will have with these new laws that are coming in and bills being composed that will place a burden on a civilian oversight commission such as this one.

Ms Heafey starts off by speaking about the APEC commission report and the activities in Vancouver at the time:

Poor planning, inadequate communication, poor training and limited understanding of existing law resulted in an unacceptable response by the RCMP to legitimate protest.

In her speech, she also refers to the events in New Brunswick regarding the closure of a school. As honourable senators will recall, the RCMP was very excessive in its activities.

...these events show that, even at the best of times, overzealous use of the extraordinary powers vested in the police can undermine our confidence in our police forces....

On the one hand, we feel the need to give more power to the police to protect our security in the face of the increased threat of terrorism. On the other hand, we firmly support the rule of law and the rights guaranteed by our laws and our Constitution. That is why the challenge facing the RCMP and other police forces is so great. The police need to make *extraordinary* efforts to prevent abuse of these *extraordinary* new powers.

I am quoting from Ms Heafey's speech of March 26, 2002.

...now, civilian oversight agencies must try to understand the extent and intended application of these new powers, often without the usual assistance of the courts.

Later in her speech, Ms Heafey says the following:

The RCMP may have greater powers, but the agency with oversight responsibility does not.

She points out that under the CSIS Act, the Security and Intelligence Review Committee does have powers. She calls those powers "a large arsenal of oversight tools," and she lists the tools. She points out that the CPC, the Commission for Public Complaints, does not have similar powers. That commission only receives complaints. As she says, it is complaint-driven.

In effect, as an oversight body under its present mandate and under all the legislation touching on terrorism directly and indirectly, presented and passed before Parliament, the complaints commission is really toothless. It does not have the powers.

Honourable senators, Ms Heafey's conclusion is in part answered by Senator Di Nino's amendment. I will end by again quoting Ms Heafey.

The RCMP has expanded powers and new tools to intervene with force in the lives of civilians; shouldn't the CPC have expanded powers of oversight?

She continues:

The CPC requires additional powers and additional resources to restore balance — to balance the new powers and resources given to the RCMP for the purpose of combatting terrorism.

Here we have probably the most experienced person in the activities of this commission pleading to Parliament and saying, "If you want me to play a role in this for the protection of civilians, do not just limit me to waiting for complaints."

• (1710)

As she points out in her speech, many people who would be affected unfairly by certain legislation, may not know of the existence of the complaints commission, and/or be afraid to lodge a complaint. There are many citizens and non-citizens in this country who come from countries where fear of the police is endemic and have that fear instilled in them. We heard such testimony when we were doing the pre-study on Bill C-36.

As Ms Heafey says in her speech:

I may hear about such incidents, I may be aware of them. They may be drawn to my attention, but unless there is a formal complaint lodged, I cannot do anything about it.

Senator Di Nino's amendment partly corrects that. At least it goes in the right direction, if only partly. That is why it answers the chairperson's anxiety over her inability to fulfil Parliament's expectations as laid out by the Minister of Justice at the time, and the Solicitor General before our committee and elsewhere. If the amendment is passed, hopefully it will act as a disciplinary measure over the RCMP and other forces which, at the moment is non-existent or practically non-existent.

Senator Di Nino: May I ask a question of the honourable senator?

The Hon. the Speaker: Will you take a question, Senator Lynch-Staunton?

Senator Lynch-Staunton: Yes.

Senator Di Nino: The honourable senator probably told us this however I did not catch when and where the speech was given.

Senator Lynch-Staunton: It was given by the Chair of the RCMP Public Complaints Commission to the Canadian Institute for the Administration of Justice on March 26, 2002.

Senator Di Nino: I was wondering if she had appeared before the committee.

My question is: Did I understand correctly that she neither has the legislative authority nor the resources to be able to do much of a job unless and until some member of the public makes a complaint? Even then, it seems she does not have sufficient resources to do a full job.

Senator Lynch-Staunton: That is absolutely correct.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, what I must say may sound as if I do not support the motion that is before us. However, I intend to support the motion.

Now that I have your attention, this amendment make reference to proposed section 10.1 of the bill. On page 6 of the bill, that proposed section states:

10.1 (1) The Royal Canadian Mounted Police has the primary responsibility to ensure the security...of an intergovernmental...

That is a clear indication to us that there will be other players, would assume other security actors. While the RCMP has the primary responsibility, there would be the local police people, the military, no doubt, et cetera.

That being the case, I understand and support the principle of the amendment. The question in my mind is that the Royal Canadian Mounted Police Public Complaints Commission, as stated in the RCMP Act, can only examine complaints against persons who are employees under the act. I vividly recall this, because honourable senators reviewed this issue carefully during the APEC scandal. There may be a difficulty that no doubt someone could clear up. It may not be a difficulty if it is clear we are saying that Parliament wishes to give the RCMP Public Complaints Commission this authority.

That is why, honourable senators, many of us were so much opposed to the decision of the government not to have a special inquiry into the tragedy of APEC. It was totally ingenuous on the part of the Solicitor General of the day to allow himself to be used as a pawn by those who called the shots in the Langevin Building by saying, in answer to questions that were being raised at the time in the other place, "Oh, there is no problem, Jean Carle was not involved, the Prime Minister is not involved. At any rate this will all be examined by the public complaints commission of the RCMP." The Solicitor General would know that the RCMP Act says explicitly that it cannot examine complaints against persons who are not employees of the RCMP. As we all recall, Jean Carle and other actors who were in play at the time were employees in the Langevin Block, not employees of the RCMP.

It seems to me that we must be aware of this as we continue to debate this amendment.

Senator Di Nino: I was somewhat surprised when the honourable senator got up and said he was, perhaps, not supporting my amendment. It can happen, it has happened before.

Senator Tkachuk: You are sensitive.

Senator Di Nino: I wish to ask my colleague if he has any doubt whatsoever that this body has the authority to, in effect, give the authority to that commission to, in effect, allow it to do the job that we are asking it to do?

Senator Kinsella: I am confident that we do have that authority to make that decision. That is why I indicated I would be supporting the amendment. However, I felt it was important that I explicate the fact that this would be a power involving persons who are beyond the primary responsible actors, namely, the RCMP.

Hon. A. Raynell Andreychuk: Honourable senators, I wish to enter this debate on the amendment Senator Di Nino has put forward. Before I do so, I should like to thank Senator Graham for entering into the debate, for putting some of the issues forward and for extending the debate liberally to include the amendments that were made previously. Those amendments were put forward seriously and they demand to be taken seriously.

I also wish to commend Senator Corbin, as I had intended when I last spoke but I ran out of time. He did enter into one of what I think is one of the most fundamental issues. That is the ability,

particularly of young people in Canada, to be able to express themselves on issues that they believe are important. They often do so in a form of protest. As long as it is reasonable and lawful, I believe it must be encouraged. I thank Senator Corbin for putting those comments on the record.

• (1720)

This debate should be taken seriously by all senators. We spoke last week about the Charter of Rights and Freedoms and said that it is a unique instrument in Canada, one in which we take pride. I was pleased to see so many senators stand up to speak to the Charter of Rights and Freedoms. It is just that kind of instrument in Canada that allows individual citizens certain protections, one of which is to speak their minds freely. That is something that many other countries do not allow.

In Canada, we have the right to express disagreement with our own government and to express disagreement with other international issues, particularly when those international issues are being discussed at a conference in Canada. It is a right and, as such, the government has the responsibility to provide a reasonable forum for protest and for that expression of opinion. As we so rightly said, the Government of Canada may be presenting the majority point of view, but it is equally important that individuals who represent minority points of view be heard in this country. Often, their only means of being heard is to protest and to protest reasonably. Therefore, to have an impact, they must get close to the decision makers who are on our soil, be they national or international figures.

Section 10 has been debated here. It was the subject of an amendment I put forward and is now the subject of one by Senator Di Nino because the APEC inquiry pointed out that it is a question not of the right to security for those who go to a conference or the right to protest by those who wish to express their opinions but how we balance those rights. It is a question of proportionality.

Mr. Borovoy testified before the committee, and he has monitored this area for many years. The police traditionally have had the role of guarding and giving security to conference-goers. They give as much of what they learn in their police work to the protection and security of those who are part of a conference. We have traditionally had law and order in this respect, which is the responsibility of the Royal Canadian Mounted Police.

Bringing Indonesian President Suharto into Canada to attend the APEC conference proved to us that we can have highly political, volatile situations in this country. All of a sudden, the security interests of Mr. Suharto rubbed up against the right to protest in an environment that previously had been uncontentious. While there had been protests in the past, they were protests often against Soviet leaders and against cultural exchanges with Soviet personalities. Those protesters protested in a very defined way and often received government support. We were not in favour of communism and the repressive means that they utilized. We often bent over backwards to ensure that information and security was given to the protesters as well as to the conference-goers.

In the APEC conference, the government was keen on ensuring a successful conference. Their overriding concern seemed to be trade initiatives. The government was concerned that Asian markets were open to Canada so that there could be future job creation for Canadians. That weighed heavily on the government, as they stated often at that time. The traditional look given to the protesters got lost in this need to be seen as a key player on a trade front and the need to have our fair share of trade in Asia.

Consequently, the role of the police became impossible. As the pressures to have a successful APEC conference escalated, the protesters wanted to get closer and closer to say that trade is not the only foreign policy issue but that human rights are very important and that other issues need to be addressed.

The protesters, by and large, had a valuable lesson. We know that some of them were perhaps careless with their responsibilities. However, that does not relieve the government from handling both the protesters and the conference delegates fairly. It is a question of proportionality.

Traditionally, the RCMP have looked at security. How can they, at every international conference, know the nuances of the issue sufficiently to be able to weigh all the other rights under the Charter against security?

The APEC conclusions by Commissioner Hughes — I apologize for calling him Judge Hughes before, but I remember him in his previous capacities — pointed out that the RCMP rebuttal to how it handled APEC was that the officer said, "I thought I did what was reasonable in the circumstances." That reasonableness was found wanting. The reasonableness for the officer at that time was almost like saying, "Let us secure the conference and secure the site to ensure that nothing wrong happens."

I have sympathy and respect for the RCMP because they have a very onerous role that changes in the dynamic. Surely, as a primary responsibility, all that they need to handle is security. However, the bill goes on to include proposed section 10.1 and then proposed subsection (2) where the RCMP are supposed to weigh all other competing rights — not during an emergency, but long before that — to determine security parameters and what is reasonable or necessary for protesters and property owners. Surely that goes beyond their training and their responsibility and, more importantly, their capacity to handle situations that occur.

Honourable senators, it is unfair to have put back into the bill proposed clause 10.1(2) in exactly the language that Commissioner Hughes said was found wanting. There is no reflection in this bill about what went wrong at APEC and how we correct it. We simply go on as if nothing unusual happened at APEC. That is inappropriate.

Someone other than the RCMP must weigh in on this matter. It could be political figures, but it has been pointed out that they have not always been correct. It could be the government giving more guidelines to the police as to how they define reasonableness and not leave it to common law. That is not in the bill, nor is it contemplated at this point.

My amendment stated that due notice should be given previously so that the police can define it, and then if protesters or other Canadians do not feel it is correct, they can go to the courts with a Charter challenge. That amendment was not accepted here. Certainly there was no debate on the matter, and it was systematically disposed of. Thus, we are left wondering if someone else can assist the police. I understand Senator Di Nino's amendment states that the police should not be tasked with interpreting the entire Charter and these competing rights alone and then be judged later. I believe the APEC inquiry commissioner made the right findings. However, Parliament should take one further step and ask: Why were the police left with those onerous duties? How do we apportion that responsibility in a more mature democracy? What is the role? Who should bear the role of proportionality?

• (1730)

In his amendment, Senator Di Nino pointed out that perhaps the complaints commission has that role. I do not know if that is correct, but at least there would be the signal that someone would be monitoring the situation and would take pre-emptive action. As was pointed out, it is small comfort to protesters who believe sincerely that they have a message to impart. That message may be about violations of human rights, about atrocities around the world, or about inappropriate behaviour or movement of international organizations.

It is cold comfort for those people to appear before the courts later and be told, "Yes, your Charter rights were violated. Yes, the proportionality was inappropriately skewed in favour of security over freedom of expression and freedom of protest." The event will be gone and the moment will be gone. Surely, in our society, we want people to be able to act freely, openly and in a timely fashion. "I told you so" is cold comfort.

In that vein, I want to express why I believe Bill C-35 is so important and not just a simple bill. It is important that we not have perpetrators of genocide, crimes against humanity and terrorism on our soil for any purpose. It is of no benefit to any conference to have these people. In hindsight, we now look at Mr. Milosevic and say, "Did we deal with him?"

I made a point in my speech and I will make it again: It will never preclude someone who may be involved in a peace process, who may be a despicable figure and an aggressor in our eyes, from coming to Canada. That individual will not have been charged or convicted. We may allege that they are perpetrators, but that is not sufficient to keep them from our soil; nor do we want to keep them from our soil. Any peace negotiations would surely include those people, and we have had them before. That is what APEC was about. We all know that the previous President of Indonesia was a despicable figure. The Prime Minister knew that when he invited him. However, the President of Indonesia was not a convicted perpetrator, and he was not even alleged to be in any court process. This was simply an opinion that we had of him.

The Hon. the Speaker: I am sorry to advise the Honourable Senator Andreychuk that her 15 minutes have expired.

Senator Andreychuk: Your Honour, may I have leave to finish that thought?

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Andreychuk: Honourable senators, the point is that we do not want convicted perpetrators in Canada, whether it is for a peace process or otherwise. If they come here, it will be for their own ends. If they are in that category, we should not deal with them. That is exactly what the International Criminal Court and international law are all about. To bring people here and grant them immunity because there may be a process to which they may contribute positively represents a misunderstanding of the situation. If we invite those whom we may think may have been involved in a wrongful act but we have no proof and we have not taken action, they would not be trapped; and they could come and possibly serve a useful purpose.

Honourable senators, I believe that this is a fundamental issue and that this bill cannot be set aside quickly. Someone needs to monitor this situation. In our debate on the Charter of Rights and Freedoms, there was much discussion in the other place and elsewhere that the courts are too activist. Again, we will place the court in an activist position. We, as parliamentarians, have a role to play and should play in ensuring that the laws we pass have appropriate safeguards and aspects to preclude forcing citizens to fight for their rights before the courts, thus turning courts to a more activist position.

The next 20 years should show some activism from parliamentarians to create a balance and deal with the proportionality of rights and not absolute rights.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

SUBCOMMITTEE ON VETERANS AFFAIRS AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Michael A. Meighen: Honourable senators, in my capacity as Chairman of the Subcommittee on Veterans Affairs of the Standing Senate Committee on Social Affairs, Science and Technology, we had a meeting scheduled for 5:30 p.m. today. A number of witnesses from the Department of National Defence are there.

I therefore move that the committee be allowed to proceed with its meeting, even though the Senate may be sitting, notwithstanding the rules of the Senate.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

[Translation]

Hon. Roch Bolduc: Honourable senators, Senator Di Nino has explained to us the necessity of overseeing the actions of the RCMP. I acknowledge the professionalism of our police force.

The situation we have before us here is a rather more delicate one. This is not a bill to facilitate police searches in connection with drug-related activities. The events involved are very specific ones: demonstrations.

I saw on television what happened at the Vancouver and Quebec City conferences. I was more interested in the latter, because it was on home ground, you might say. In Vancouver, they said the abuse came from the police, and also perhaps from the protesters. Let us not have any illusions, they are not all perfect angels.

On occasion, the police force finds itself in situations that are far from easy, particularly when there are hundreds of thousands of people to deal with. Some of them lost their cool in Vancouver. Perhaps, too, certain political figures told them to stir up the protesters a bit, which may have made the police a little overzealous. The incidents in Vancouver stirred up a whole debate in Canada.

In Quebec City, I felt the police forces were relatively reasonable.

• (1740)

They built a huge fence, as everyone is well aware. The situation in Quebec City was a complicated one. The old city is not very big, and it was a complex affair to delineate the area. From the experience at Genoa, they knew it would not be easy.

This being the situation, it is possible to make use of external oversight through a commission. This is an attractive solution. I support Senator Di Nino's idea, which has been set out so well by Senator Andreychuk. While allowing a certain margin of discretion to the police — necessary when things happen unexpectedly — it is still possible to have rules defined by the government. After all, the government is the one responsible for these situations in Canada. The government is the one who invited these people. The Prime Minister invited them to Kananaskis. The government has assumed its responsibilities. The government's proposal does not stop there. It is not over and done with once the foreign dignitaries have been invited, taken to Kananaskis, and the discussions on world problems are under way. There is more to it than that. Order must be maintained. We do not know what may happen.

I was a public servant for a long time and when I read the act I was concerned about the degree of discretion granted to administer this legislation. Everyone knows that public servants have some discretion. Such discretion is necessary, but it must be defined, otherwise it is dangerous and it leads to abuse. In every bureaucracy, some measures have a negative impact. One goal is pursued, but another one is achieved. When I read this, I wondered if we could not propose an amendment to clause 10.1(2), which reads:

For the purpose of carrying out its responsibility under subsection (1), the Royal Canadian Mounted Police may take appropriate measures...

This reminds me of so many other circumstances, including in the transportation sector. The expression "appropriate measures" is very broad in scope. I will simply try to restrict these measures by saying that the RCMP may take any measures defined by the governor in council as being appropriate. In other words, we would put the responsibility back where it should be, before things happen, before a protest takes place. It is fine to say that a body will monitor the protest. I agree. I will support your amendment. However, I would prefer to have an evaluation criterion before the event takes place.

In this sense, the involvement of the governor in council is essential. The government is responsible. It is fully entitled to be. This is not a situation where an adjudication is made by a judicial body. When an operation must be decided by a judicial body, the government must not give orders to that administrative board, whether it be a tribunal, the Public Service Commission or any other body. It goes without saying that the government cannot give them orders. However, here, we are not dealing with an administrative board, we are dealing with an executive and administrative body, namely the police.

It would not be unreasonable for the government to establish a framework to restrict the actions that may be taken by the police, by defining what is meant by reasonable measures. This is the government's responsibility. The RCMP will apply these measures. RCMP officers are professionals. They are good people. They will apply these measures to the best of their abilities. However, in situations where public order is involved, the government would tell them what it wants and what is reasonable.

In Quebec City, when the RCMP met the other police forces, some ministers were present. The Mayor of Quebec City knows his city very well. It is his city, and he did not want any damage. He asked that a reasonable perimeter be defined. The decision to put up an 18-foot-high fence in a city such as Quebec City, where everything is so close together, is an important one. Will we leave it to the police?

I will give you an example. There are other measures. I noticed that there were three kinds of people who took part in the demonstrations. There were the professionals from the United States. Obviously, they turned up equipped with helmets as though they were landing on the moon. They were as well-equipped as the police. They were masked; their faces could not be seen. They had iron bars. I tell the police to hit them, and there is no problem. These are professionals and that is how they must be attacked.

Alongside them were ordinary people, onlookers. There were also students. We know that 18 to 20-year-old students want to

learn about public life. They took the bus to Quebec City. There were 700, 800, 1,000 of them. They arrived in the city. It was their first demonstration. They had probably been worked up by their professors. There are always left-leaning professors in our schools who want to challenge things, it does not matter what, including all the governments of the world. The students arrived by bus and they wanted to protest against something. When they saw the group of professionals battering the fence — these people really went at it — they did one of two things. The timid ones held back; this was war. Others joined in. That is what happened. Clearly, it finished up with some people taking a bit of a beating. People said the police had been too violent.

If these unfortunate situations are to be avoided, the government must assume its responsibilities and define what it means by reasonable measures to be taken by the police or the RCMP.

MOTION IN AMENDMENT

Hon. Roch Bolduc: Honourable senators, I move:

That Bill C-35 be not now read a third time but that it be amended

(a) in clause 5, on page 6, by replacing lines 35 and 36 with the following:

"Canadian Mounted Police may take any measures defined by the Governor in Council as appropriate in the circumstances, including controlling, limiting"; and

(b) in clause 8, on page 8, by adding, after line 35, the following:

"13.1 The Governor in Council may make regulations to define, for the purposes of subsection 10.1(2), measures that are appropriate in specified circumstances."

[English]

The Hon. the Speaker: Honourable senators, there is before us an amendment on which we have not yet called the question, and we now have a further amendment. Our normal practice is to dispose of each amendment before moving to the next amendment. Is it agreed that we deal with the amendment currently before us before moving to Senator Bolduc's amendment?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): I believe there is an agreement that we follow the other practice that is common in this place, that is, that we stack the amendments.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, we would certainly agree to giving more time to the honourable senators of the opposition in order to allow them to give their speeches on this bill and move their amendments. The vote will take place after the time allocated for debate.

[English]

The Hon. the Speaker: I should put the amendment to the chamber before proceeding to questions, further debate and the

next amendment. That is my understanding of the practice of stacking amendments.

• (1750)

Although we are proceeding with leave, I take it from Senator Kinsella and Senator Robichaud that the opposition and government have agreed.

Is leave granted to proceed, honourable senators?

Hon. Senators: Agreed.

[Translation]

Hon. Eymard G. Corbin: Honourable senators, I have a question for Senator Bolduc. Obviously, I would have preferred to examine the text without the amendment, but I believe I understand better since His Honour reread the amendment. Senator Bolduc proposes that the government define, through regulations, limits to the police's powers under the legislation. This would replace the current text, which refers to necessary measures, which are in fact unlimited measures that range from the sublime to the ridiculous. This is the specific part of the bill that concerns me.

I would like to congratulate Senator Bolduc for having moved this amendment. There are some serious problems with the law as it now stands, when it comes to democracy in Canada.

Senator Bolduc provided a fairly good description of the situation that took place in Quebec City. Is Senator Bolduc aware that the NFB produced a film on the events in Quebec City? They hired fifteen or so filmmakers who followed some fifteen people for the duration of the conference. All of the police forces involved opened their doors to the filmmakers, both during the run-up to the conference and during the action. Only the RCMP refused to grant access to the filmmakers.

Once again, this is symptomatic of a certain police mentality. I do not wish to attack the RCMP. They operate in what are sometimes very difficult circumstances, but this was a perfect opportunity for them to show the general public how these events are planned and how they prevent pig-headed protesters from scuttling everything, during what is often a legitimate public protest. Has the honourable senator seen this film?

Senator Bolduc: Honourable senators, I understand that some room for discretion needs to be left when operating in such challenging circumstances. After all, there are a thousand people coming to make a fuss, pushing, shoving, and there you have the police on the other side, and not everybody is a perfect angel. That room for police discretion must have a framework. It seems to me that this framework must be spelled out. The people are dealing with people who are not criminals but members of the public. And the public is made up of all kinds of people. There were the professional rabble-rousers from the United States I have already referred to, and then there were reasonable people, including some students at their very first protest, who therefore lacked experience. So some framework is necessary. In other words, the government must assume its responsibilities and must provide some limits for potential actions by the police.

I would like to make an aside, which may not be apposite. Senator Corbin has said that the RCMP did not provide access. In my opinion, when security is involved, particularly the security

of heads of state, the RCMP cannot be asked to tip their hand. They, too, need to have secrets.

[English]

As we often say, the secret is the trade sometimes, and this is a case where it is.

[Translation]

Senator Corbin: Telling the public, either before or during the conference, about the police strategy was out of the question. The film was released several months after the conference. We all received an invitation to watch this film at the National Library, a few months ago.

Releasing that information would have given the public a right to be informed about the internal operations of the police. After all, this is not the CIA or the FBI, and we are not a country at war. This was a public conference with a protest that was meant to be a peaceful exercise. There are always troublemakers. I have always wondered how we let these people enter the country or, if they are already in, why we cannot catch them before the event? Why wait?

Senator Bolduc: I do not want to defend the government, but these people have not yet been found guilty when they arrive in Canada. They intend to come and make some noise. There is a difference between these people and those who go to a hockey game in Montreal, or those who travelled to England or Belgium to attend soccer or rugby tournaments. It is difficult for customs officers to decide that this person can enter the country, but not that one. We have a hard time with Mom Boucher, so you can imagine with these people!

[English]

The Hon. the Speaker: I am sorry to interrupt. I wish to inform honourable senators that Senator Bolduc's time has expired.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, in the early 1960s, the police forces in Montreal, which were then made up of some 30 municipalities, were integrated into one under a regional government called the Montreal Urban Community. An administrative body was created, called the Public Service Commission, to prepare the budget, negotiate labour contracts and to see that the integration of the police force was done with the least disruption possible.

The reason I mention that is that I sat on that commission representing the City of Montreal for a number of years. The one thing that we tried to avoid, and I think avoided successfully, was to interfere in the operations of the new police department. We were involved in things such as promotions, but always on the recommendation of the police chief. As far as I know, there was no favouritism. It was done on merit, based on the recommendation of the head of the police department.

I mention this because I was shocked, like many Canadians, at the report from the APEC inquiry, the Hughes commission, in which he faults a then member of the Prime Minister's Office for unconscionable interference in the operation of the RCMP who were then trying to establish a perimeter area, the location of the fence, in cooperation with the University of British Columbia and had to have their plans changed because of the direct interference of Mr. Jean Carle.

I wish to quote a few extracts from the commission's report:

Mr. Carle wished to create a retreat-like atmosphere for the leaders' meeting. He vehemently opposed the location of the Thompson-Pavlich line.

Sergeant Thompson was with the RCMP, Professor Pavlich was with UBC, and both men had agreed to a line behind which the protesters had to stay.

• (1800)

He opposed the location of the Thompson-Pavlich line which, in accordance with the licence agreement, was established by UBC and the RCMP to meet the RCMP's security concerns and UBC's concerns that the protesters be able to see and be seen by the APEC leaders.

I am satisfied that Mr. Carle demanded that the size of the demonstration area be reduced in order to accomplish its own agenda and I reject his explanation that the reduction was necessary to ensure the safety of the protesters.

Along the same lines, Justice Hughes said:

Mr. Carle had, in my judgment, inexcusably thrown his weight around on this occasion. His expression of concern for public safety was a spurious one that I reject.

There is also a section entitled, Government Interference, in which it is stated:

Having said that, I am also of the view that the RCMP's conduct in removing the tenters was directly attributable to the actions of the federal government. It was Mr. Carle of the Prime Minister's Office who, through Mr. Vanderloo of ACCO, directed the RCMP to remove the protesters, apparently out of a concern about potential vandalism. However, Supt. Thompson, the man in charge of security, was less concerned about potential vandalism than that removing the protesters might lead to more serious security problems.

The federal government had no authority to make decisions which may have compromised an RCMP security operation, particularly given that such decisions, although consistent with the Licence Agreement and the *Criminal Code*, were unjustifiably inconsistent with the *Charter*. I am satisfied that, in this instance, the federal government, acting through the Prime Minister's Office, improperly interfered in an RCMP security operation.

This report has been before the Prime Minister and the government since it was tabled some weeks ago and has been ignored completely. There has been no apology or explanation. Of course, it leads one to believe that political interference can continue unless some legislation of some sort carries with political interference of sorts some kind of penalty.

I wish to move an amendment to the bill which, I believe, will limit, reduce, if not eliminate, the kind of activities which I have just read from the Hughes report:

[Senator Lynch-Staunton]

MOTION IN AMENDMENT

Hon. John Lynch-Staunton (Leader of the Opposition): Therefore, honourable senators, I move, seconded by Senator Bolduc:

That Bill C-35 be not now read a third time but that it be amended in clause 5, on page 7, by adding, after line 13, the following:

"(5) No member of the staff of a minister of the Crown in right of Canada and no member of the public service of the Government of Canada who is not a member of the Royal Canadian Mounted Police shall advise or instruct any member of the Royal Canadian Mounted Police in the performance of his or her duties under this section.

(6) Any person who contravenes subsection (5) is guilty of an offence punishable on summary conviction and is liable to a fine of not less than fifteen thousand dollars.

The Hon. the Speaker pro tempore: Honourable senators, it was agreed prior that the motions in amendment will be stacked.

Honourable senators, is the house ready for the question?

Senator Carstairs: Question!

The Hon. the Speaker pro tempore: Honourable senators, we will start with the last question first.

Is it your pleasure to adopt the motion in amendment by the Honourable Senator Lynch-Staunton?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker pro tempore: Will those honourable senators in favour of the motion in amendment, please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: Will those honourable senators opposed to the motion in amendment, please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: In my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker pro tempore: Call in the senators.

Is there an agreement as to the ringing of the bells?

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, the rules provide that if a recorded division is demanded, it is automatically deferred to 5:30 p.m., at the next sitting.

[English]

The Hon. the Speaker pro tempore: Rule 39(4)(a) states:

except as provided in sub-paragraph (b) below...any standing vote requested in relation thereto shall be deferred until 5:30 o'clock in the afternoon of the next day thereafter on which the Senate sits.

That means that the vote will be deferred until 5:30 p.m. tomorrow.

[Translation]

Senator Robichaud: Honourable senators, if both sides were to agree that the vote will take place tomorrow before 5:30 p.m., it would be possible to do so, with the honourable senators' consent.

[English]

Hon. Terry Stratton: No. It should be a 15-minute bell.

The Hon. the Speaker pro tempore: The bells will ring at 5:15 p.m. tomorrow for the vote to be taken at 5:30 p.m.

Honourable senators, it being past six o'clock, is it your pleasure that we not see the clock?

[Translation]

Senator Robichaud: Honourable senators, the motion we agreed to clearly says that we must consider all questions before us to dispose of Bill C-35.

We have not yet disposed of two amendments and of third reading of Bill C-35.

[English]

The Hon. the Speaker pro tempore: The next question is on the motion in amendment moved by the Honourable Senator Bolduc, seconded by the Honourable Senator Andreychuk:

That Bill C-35 be not now read a third time but that it be amended

(a) in clause 5, on page 6, by replacing lines 35 and 36 with the following:

"Canadian Mounted Police may take any measures defined by the Governor in Council as appropriate in the circumstances, including controlling, limiting"; and

(b) in clause 8, on page 8, by adding, after line 35, the following:

"13.1 The Governor in Council may make regulations to define, for the purposes of subsection 10.1(2), measures that are appropriate in specified circumstances."

• (1810)

Is the house ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker pro tempore: Will those honourable senators in favour of the motion in amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: Will those honourable senators opposed to the motion in amendment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: In my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker pro tempore: Honourable senators, the vote will be held tomorrow afternoon, along with the other motions in amendment.

Hon. John Lynch-Staunton (Leader of the Opposition): Could honourable senators give us a couple of minutes for a conference?

[Translation]

Senator Robichaud: Honourable senators, I believe you would find consent for the divisions deferred until tomorrow to be held at 3 p.m. This includes the first division that was deferred. Therefore, all the divisions having to do with Bill C-35 could take place tomorrow afternoon at 3 p.m.

The Hon. the Speaker pro tempore: All the divisions, including the one on the motion in amendment, which it was agreed earlier would be voted on at 5:30 p.m.

The following motion in amendment, moved by Senator Di Nino, seconded by Senator Atkins:

That Bill C-35 be not now read a third time, but that it be amended, on page 7, by adding after line 13, the following:

Hon. Senators: Dispense!

[English]

The Hon. the Speaker pro tempore: Is it your pleasure honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker pro tempore: Will those honourable senators in favour of the motion in amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: Will those honourable senators opposed to the motion in amendment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: In my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker *pro tempore*: Honourable senators, the motions in amendment will be voted on tomorrow. To be clear, the bells will ring at 2:45, and the vote will be held at 3:00.

We are now on the main motion.

[Translation]

Senator Robichaud: Your Honour, I believe that you are about to put the question on third reading of Bill C-35, are you not?

The Hon. the Speaker *pro tempore*: It is moved by the Honourable Senator Graham, seconded by the Honourable Senator Pépin, for third reading of Bill C-35, to amend the Foreign Missions and International Organizations. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Eymard G. Corbin: Honourable senators, how can we vote on the main motion when we have not yet disposed of the amendments?

[English]

Amendments can be defeated or adopted. The question, as put, does not mention either. I find that utterly ridiculous, if not strange. At any rate, if Your Honour says it is in the rules, we will follow our rules.

The Hon. the Speaker *pro tempore*: Is leave granted that this main motion be withdrawn and we will vote on amendments tomorrow, and then we go to the main motion?

Hon. Senators: No.

The Hon. the Speaker *pro tempore*: Honourable senators, the main motion, which was moved by Senator Graham, seconded by Senator Pépin, is that Bill C-35 be now read —

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the rules are clear. All votes must be taken at 5:30 tomorrow afternoon. We have stacked amendments. Obviously, depending on whether some of those amendments pass or fail, the third reading vote would change or not change as the case may be.

Therefore, it is not necessary to put the question. What is necessary is to clarify that all votes to completely end this stage of debate will take place, according to our rules, at 5:30 tomorrow afternoon and by agreement at 3:00 p.m. tomorrow afternoon.

Hon. Laurier L. LaPierre: Honourable senators, this is highly confusing and it need not be all that confusing. After all, we are in the 21st century and we ought to be able to proceed without so much confusion. We were supposed to debate for six hours and at the end of the six hours there was to be a vote. Now we are adjourning until tomorrow in order to start another six hours, at 2:45, 5:30, or 3:00. What is going on?

The Hon. the Speaker *pro tempore*: Honourable senators, there will be votes tomorrow on Bill C-35 with all the amendments that have been stacked. The votes will be at 3:00. The bells will start to ring at 2:45.

Honourable senators, is it agreed that I not see the clock?

Hon. Senators: Agreed.

BUSINESS OF THE SENATE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I propose that we stand all remaining items on the Order Paper, including Government Business, and that the items maintain their positions on the Order Paper.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): I must now inform honourable senators that the Honourable Senator Kenny wished to move a motion today. Not seeing him in the chamber, I am prepared to agree that all items on the Order Paper that have not been dealt with do stand until the next sitting and be kept in their respective positions on the Order Paper. I move that the Senate do now adjourn.

The Senate adjourned until Thursday, April 25, 2002 at 1:30 p.m.

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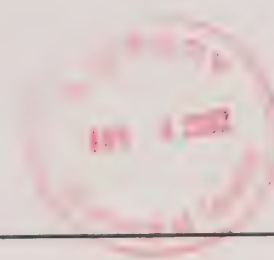
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OFFICIAL REPORT
(HANSARD)

Thursday, April 25, 2002

—
THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Thursday, April 25, 2002

The Senate met at 1:30 p.m., the Speaker in the Chair.

SENATORS' STATEMENTS

THE HONOURABLE B. ALASDAIR GRAHAM, P.C.

CONGRATULATIONS ON THIRTIETH ANNIVERSARY OF APPOINTMENT TO SENATE

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, while the name "Pierre Trudeau" more often than not brings up memories of controversy and far-from-unanimous support for many of his policies and suggestions, there were occasions when a decision of his was received unanimously. One was taken on April 27, 1972, when he appointed Senator Alasdair Graham to this place.

Hon. Senators: Hear, hear!

Senator Lynch-Staunton: It will be 30 years on Saturday that Senator Graham has graced this chamber. I wish to congratulate him and, in doing so, I know I echo all honourable senators, who have seen him at work here in many capacities. He certainly is a credit to the institution. I am proud to consider him a friend and delighted to stand up and congratulate him. I wish him many more active years in this place.

Hon. Senators: Hear, hear!

Hon. Jane Cordy: I should like to follow-up on the words of the Leader of the Opposition, Senator Lynch-Staunton, to recognize a fellow Nova Scotian. The individual to whom I refer has served as Deputy Leader of the Senate and Leader of the Government in the Senate. He was formerly a teacher, which I did not realize until recently. He is a journalist. He is an exemplary parliamentarian, not to mention a good friend.

It is my pleasure to point out to honourable senators today that he will reach a very important milestone over the weekend. This Saturday will mark 30 years since the Honourable Senator Alasdair Graham was called to the Senate of Canada by the Right Honourable Pierre Elliott Trudeau.

Senator Graham was born in Cape Breton, and, more specifically, Bridgeport, or Bridgeport-Dominion, as he often tells me. Bridgeport was also the birthplace of my mother. I guess that means we both have good genes.

For three decades, Senator Graham has humbly and tirelessly served the people of Cape Breton, Nova Scotia and Canada. I want to take this opportunity to thank him publicly for his service.

Honourable senators, I invite you to join with me in saluting Senator Graham, the dean of the Nova Scotia delegation, in this illustrious house, and to congratulate him on his achievement.

Hon. Senators: Hear, hear!

Hon. Marcel Prud'homme: Honourable senators, as the new dean of Parliament, I am happy to echo the comments of my two colleagues. One of the great joys of my political life was to be chief organizer for Senator Graham, as President of the Liberal Party of Canada, when another honourable senator decided that he might run against him, the Honourable Keith Davey. I thought that Keith had enough responsibilities, so I offered my services to Senator Graham. I do not know if that is the reason why he was elected President of the Liberal Party of Canada, but I can say one thing: He did not miss a vote in Quebec. I am glad to see that he and I are still here.

[Later]

Hon. B. Alasdair Graham: Honourable senators, I was taken by surprise, quite obviously, by the kind words of Senator Lynch-Staunton, who led off today's statements, and also by the words of tribute by my friend, Senator Cordy, who has roots in my home and native land, Bridgeport-Dominion, and, of course, my old friend Senator Prud'homme. I am very surprised, but I thank you all for your expression of good wishes.

I do note and I am very surprised to see some members of my family in the gallery, my two daughters, Eileen Barrett, with her husband George, and Jeanie Wamboldt, who is with her husband Jeff, who just took two year-old Jacob out of the gallery. He was sucking on a bottle, but I guess even the bottle could not sooth his jangled nerves caused by being in this place. Of course, my very energetic and faithful assistant Josephine Laquian is here today. I have many, many wonderful memories of this place.

When I was appointed in 1972, I recall that I had been first invited to come to the Senate in 1971. I was at the Cape Breton Development Corporation, and I was convinced by the president of the corporation, Tom Kent, that I had more valuable service to render to my fellow Cape Bretoners — indeed, the wonderful coal miners of that area — by staying that part of the world that my colleague Senator Murray knows so well. Then, a year later, I got another call. I never thought that I would get a second call or another invitation to come to this chamber.

I have memories of coming here. When I accepted, I really did not understand what it meant. The Senate is what one makes of it. We used to sit at night sometimes. After, I was sworn in with George McIlraith, Henry Hicks, a former Premier of Nova Scotia and former President of Dalhousie University, and the late Senator Margaret Norrie: I was sitting just to the right of where Senator LaPierre is sitting now. The late Paul Martin, Sr. was the Leader of the Government in the Senate. If I remember correctly, Senator Welch, a well-known Conservative from the Annapolis Valley — and I do not have the Hansard to prove it — got up and made quite a speech. It was a rather partisan speech, one of the most partisan speeches I remember in this chamber, about the

condition of the highways in Nova Scotia. I received a note from the leader, Senator Martin, saying to me, the newly-minted Senator Graham, "I would like you to respond to Senator Welch." That was the first indication that I had enough common sense and good judgment not to respond as a rookie, and I did not.

However, the Senate is a wonderful place to be. As I say, the Senate is what one makes of it. There are tremendous opportunities and possibilities.

I love you all. God bless. Thank you.

Hon. Senators: Hear, hear!

[Translation]

FUNERAL OF SERGEANT MARC LÉGER

Hon. Viola Léger: Honourable senators, yesterday afternoon I attended the funeral of Sergeant Marc Léger. No, we are not related — as far as I know — but we surely share the same ancestry. In Lancaster, Ontario, population 750, I was among a group of ordinary Canadians, a true microcosm of this country.

We were all standing there for a funeral, but not just an ordinary funeral. I had the impression that everyone there, who had ever worn a uniform, had donned it and joined in the funeral cortege. There were officers of the provincial police, of firefighters, scouts, all of them in uniform. A group of young people bore a huge flag made out of ten provincial flags sewed side by side. There were military police, war veterans — many with canes — proudly wearing their decorations, and the scarlet-coated RCMP.

At the head of the procession, a lone drummer and the flag-draped coffin of Sergeant Marc Léger.

The church was a tiny one. It was so small that they had to put all the chairs from the parish hall outside to accommodate everyone.

• (1340)

It was such a small church that I could not locate it by its steeple when I arrived in town. This was a church like thousands of others across our country. This is where the funeral of one of our four fallen soldiers was held, and it was more than fitting.

The Queen Mother's funeral has just been held with all due pomp and circumstance. This funeral too, for a soldier, one of ours, had its own pomp and circumstance. It was a wonderful day and I was pleased to be a member of the throng. Elders were there, youth were there. We were there with his family, his wife, his parents, his grandparents. We were there with them, and for them, that is all. I believe that one's presence is what counts, regardless of the circumstances.

We sang, we paid tribute, we wept. A soldier died for us!

[Senator Graham]

[English]

PARKINSON'S AWARENESS MONTH

Hon. Yves Morin: Honourable senators, April is Parkinson's Awareness Month.

[Translation]

Some 100,000 Canadians who suffer from Parkinson's disease have spasms, atrophied and stiff muscles, and they also have increasing difficulty writing, walking and speaking. Drugs may alleviate symptoms, but unfortunately they still cannot cure these people.

[English]

Parkinson's disease affects people living far from the equator more than it affects those living close to it. It affects men more than women, and the older more than the young. Despite the attention given to young sufferers, such as Canadian actor Michael J. Fox, the incidence of the disease peaks at the age of 60.

The Parkinson's Society of Canada provides support to Parkinson's sufferers and their caregivers throughout the country, while supporting research to find a cause and a cure for the disease. The Canadian Institutes of Health Research also funds many projects to increase our understanding of Parkinson's, especially at the University of British Columbia, which has become a world-renowned centre in the research of this condition.

Research into Parkinson's received a tremendous boost last month with the announcement, by CIHR President Dr. Alan Bernstein, of CIHR's guidelines for stem cell research. This research holds great promise for the potential development of transplant therapies for Parkinson's.

[Translation]

Thanks to research, we are able to alleviate the daily fear and despair experienced by people suffering from Parkinson's disease, and their families, by providing them with hope and with the promise of a better future.

Honourable senators, I urge you to support the Parkinson's Society of Canada by buying a tulip. Your contribution will help support efforts to promote research and awareness, as well as to protect all those who suffer from this disease.

ROUTINE PROCEEDINGS

TRANSPORT AND COMMUNICATIONS

BUDGET—STUDY ON ISSUES FACING INTERCITY
BUSING INDUSTRY—REPORT OF COMMITTEE
PRESENTED

Hon. Lise Bacon, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Thursday, April 25, 2002

• (1350)

The Standing Senate Committee on Transport and Communications has the honour to present its

TWELFTH REPORT

Your Committee, which was authorized by the Senate on September 26, 2001, to examine and report on issues facing the intercity busing industry, now requests approval of funds for 2002-2003.

Pursuant to section 2:07 of the Procedural Guidelines for the Financial Operation of Senate Committees, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

LISE BACON
Chair

(For text of budget, see today's Journals of the Senate, Appendix "A", p. 1464.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Bacon, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

OFFICIAL LANGUAGES

PRIVY COUNCIL VOTE 35— REPORT OF JOINT COMMITTEE PRESENTED

Hon. Shirley Maheu, Joint Chair of the Standing Joint Committee on Official Languages, presented the following report:

Thursday, April 25, 2002

The Standing Joint Committee on Official Languages has the honour to present its

NINTH REPORT

In accordance with the Order of Reference of Wednesday, March 6, 2002, the Committee has considered Vote 35 under PRIVY COUNCIL in the Main Estimates for the fiscal year ending March 31, 2003, and reports the same.

Respectfully submitted,

SHIRLEY MAHEU
Joint Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Maheu, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

TENTH REPORT OF COMMITTEE TABLED

Hon. Shirley Maheu: Honourable senators, I have the honour to table the tenth report of the Standing Joint Committee on Official Languages, concerning the hope that the government will consider the advisability of increasing funding for the Office of the Commissioner of Official Languages.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Maheu, pursuant to rule 97(3), report placed on the Orders of the Day for consideration at the next sitting of the Senate.

ELEVENTH REPORT OF COMMITTEE TABLED

Hon. Shirley Maheu: Honourable senators, I have the honour to table the eleventh report of the Standing Joint Committee on Official Languages, concerning a recommendation that the Office of the Commissioner of Official Languages undertake an awareness campaign designed to make Canadians more familiar with the Official Languages Act.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Maheu, pursuant to rule 97(3), report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

NATIONAL SECURITY AND DEFENCE

BUDGET—STUDY ON NATIONAL SECURITY POLICY— REPORT OF COMMITTEE PRESENTED

Hon. Colin Kenny, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Thursday, April 25, 2002

The Standing Senate Committee on National Security and Defence has the honour to present its

SIXTH REPORT

Your Committee was authorized by the Senate on April 16, 2002, to examine and report on the need for a national security policy for Canada, respectfully requests, that it be empowered, to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to adjourn from place to place within and outside Canada for the purpose of such study.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

COLIN KENNY
Chair

(For text of budget, see today's Journals of the Senate, Appendix "B", p. 1470)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Kenny, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FOURTEENTH REPORT OF COMMITTEE PRESENTED

Hon. Richard H. Kroft, Chair of the Standing Senate Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, April 25, 2002

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

FOURTEENTH REPORT

Your Committee recommends that an increase of 3.1 per cent to the salary ranges of the Senate Executive Group (SEG) be awarded effective April 1, 2001.

Respectfully submitted,

RICHARD KROFT
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Kroft, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

ABORIGINAL PEOPLES

BUDGET—STUDY ON ISSUES AFFECTING URBAN ABORIGINAL YOUTH— REPORT OF COMMITTEE PRESENTED

Hon. Thelma J. Chalifoux, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Thursday, April 25, 2002

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

SEVENTH REPORT

Your Committee, which was authorized by the Senate on Thursday, September 27, 2001, to examine issues affecting urban Aboriginal youth in Canada, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to adjourn from place to place in Canada, for the purpose of its examination.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

THELMA J. CHALIFOUX
Chair

(For text of budget, see today's Journals of the Senate, Appendix "C", p. 1482)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Chalifoux, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

QUESTION PERIOD

THE SENATE

BILL TO AMEND FOREIGN MISSIONS AND INTERNATIONAL ORGANIZATIONS ACT— ROYAL ASSENT

Hon. Terry Stratton: Honourable senators, my question is addressed to the Leader of the Government in the Senate and it is with regard to the time allocation imposed on Bill C-35. During the debate on Bill C-35 yesterday, we asked why the urgency that the government would effect closure of this bill and the shutting down of debate when we had indicated that another few days or week would send this bill off after being properly debated. We were not really given an answer to that question. We assumed also that, if the amendments were defeated and the bill passed after the votes later this afternoon, there would be the Royal Assent. Will the bill be receiving Royal Assent today?

Hon. Sharon Carstairs (Leader of the Government): The answer to the honourable senator's question is "no." That is partly because, if the honourable senator will recall, it was agreed originally that the vote would be at 5:30. Therefore, we were trying to make plans for some time after 5:30. Then, after a little scrum with some people on the other side of the chamber, it was decided that the vote would be at 3:00.

• (1400)

It was decided that we could not arrange the ceremony for a time when large numbers would be present here. We now try to initiate Royal Assent procedures for times when a large number of senators are present in the chamber and members in the other place. In that way, the formal ceremony will be conducted with a great deal of decorum and with a large presence of honourable senators and members of Parliament.

Senator Stratton: May I hold the leader to that? From what has been said, I should expect that Royal Assent will be much more ceremonial than it has been.

Is the Leader of the Government telling honourable senators that even though the time for the vote was changed yesterday, from 5:30 to 3:00, no ministers at all could be available? How many ministers are there?

Senator Carstairs: Honourable senators, I did not indicate that no ministers were available. I indicated that my experience in this chamber has been that when we have Royal Assent ceremonies extremely late in the day, the attendance is not that great. I think that is true on both sides of the chamber.

Also, we went through a long debate and discussion in this house, that resulted in a bill going to the other place. I believe that bill received unanimous support. When it was passed I indicated Royal Assent ceremonies would take place at times convenient to the members in both places, that we would strive for high attendance not only of members of this chamber but of the other chamber as well. Quite frankly, having given my word to do everything in my power to make that happen, I think it would be best to hold the ceremony on Tuesday. I understand that will take place on or about 3:00.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I believe the minister has contradicted herself. In answer to the first question by Senator Stratton, the minister said that Royal Assent had been arranged for after 5:30, after the vote was to be taken, but since we agreed to change the vote to 3:00, it was no longer possible. I do not understand how it is harder to get senators in the chamber around 3:00 than it is after 5:30.

Senator Carstairs: Honourable senators, I do not believe I said that. I said that, at the time, we thought the vote would take place at 5:30.

Senator Lynch-Staunton: That is right.

Senator Carstairs: With that time line, I did not think it would result in large numbers of individuals in this chamber at 6:00 or 6:30. We have not had great experience in this chamber with keeping honourable senators in large numbers at 6:00 or 6:30 on a Thursday afternoon.

Senator Lynch-Staunton: Obviously, it would be better to have the Royal Assent at 3:00, when more senators are here. That does not answer the question.

The basic question is: Time allocation was imposed on the bill in order to get it through as fast as possible. There is a sense of urgency. The Royal Assent is necessary to have the bill proclaimed, and now we are casually told, "Well, we thought the vote would take place at a certain hour, it was changed, and we will wait until next Tuesday."

Honourable senators, there is a flagrant contradiction here that I find cannot be explained properly, except that the government simply wants to clear the decks and have Royal Assent when they feel like doing so.

Senator Carstairs: Honourable senators, we will have Royal Assent on the very next day that we will sit in this chamber. I hardly think that is a great delay when you consider the other side did not speak to the bill for two full weeks.

Senator Stratton: Honourable senators, I gave an explanation as to what took place.

Senator Lynch-Staunton: Ludicrous.

Senator Stratton: I was a day late in returning. Instead of speaking on a Tuesday, I spoke on a Wednesday, which created an uproar, all because I was a day late on my commitment. Now the government conveniently delays the Royal Assent for a day. Why? Because it is more convenient, and we will have a well attended ceremony, and I get royal heck from honourable senators opposite for being a day late on my commitment. There does not seem to be any worry about being a day late on Royal Assent for a bill on which the government imposed time allocation.

Senator Carstairs: With the greatest respect to Senator Stratton, no one raised in this chamber any argument about the honourable senator not being here for the two weeks.

Senator Stratton: The leader just did so.

Senator Carstairs: However, we had a number of speeches from the opposition side yesterday, all of which could have taken place in the two weeks when Senator Stratton was not here, because they were.

Senator Lynch-Staunton: Honourable senators, that is incorrect. I am sorry. All along, the agreement was that we would not debate the bill until Senator Stratton, who was our critic on the bill, had the opportunity to speak first. That is basic courtesy. Senator Stratton was more involved with the bill. He attended the committee hearings and he, by the tradition of this place, at least until a few minutes ago, was to be the first speaker on our side.

There was never any agreement — in case the honourable senator wishes to raise it again — that he would be the only speaker. The agreement was that he would be the first speaker. He missed it by a day and now we are told that we cannot have Royal Assent because we could have debated it for two weeks.

I think the leader should stop discussing this issue because she is getting herself into a mess.

Some Hon. Senators: Oh, oh!

Senator Carstairs: Honourable senators, I will not take direction about whether I can speak to a subject from the Leader of the Official Opposition.

The Honourable Leader of the Opposition and I have a clear disagreement. I certainly agreed that we would wait two weeks for Senator Stratton to speak. At that point there was not agreement that no one else on that side would speak to the issue.

Senator Lynch-Staunton: There was never any agreement that we would have additional speakers or not have additional speakers. It is not for us to volunteer to the government our strategy on a given bill. If the leader or someone in the leadership had asked about our plans on the bill — whether we have amendments, whether we have additional speakers — we would have said that, as far as we know, at this very moment we may or may not. However, it was not asked and it is not up to us to volunteer.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table a delayed response to an oral question raised by Hon. Senator Oliver on November 21, 2001, regarding Treasury Board. The response has come to us in the form of a rather lengthy report, which I am pleased to table along with the response.

TREASURY BOARD

REPORTS BY DEPARTMENTS EVALUATING EQUALITY AND DIVERSITY AGENDA—REQUEST FOR TABLING

(Response to question raised by Hon. Donald H. Oliver on November 21, 2001)

To reinforce its commitment to improving the participation of visible minorities in the Public Service of Canada, the government approved up to \$10 million annually for use in implementing the *Embracing Change* Action Plan until 2003. These monies are being disbursed to support initiatives that will help implement the Action Plan and achieve the benchmarks.

The Treasury Board Secretariat (TBS), in consultation with departments, is producing regular reports on the implementation of the Action Plan. Attached is a copy of the latest report for the Honourable Senator.

The Treasury Board Secretariat has begun consulting with departments in order to determine what, if any, evaluations may have been prepared.

VISITORS IN THE GALLERY

The Hon. the Speaker: I wish to draw your attention to the presence in the gallery of the Forum for Young Canadians.

On behalf of all of the senators, I welcome you to the Canadian Senate.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, for government business I would like to deal with the third item, then return to the Orders of the Day as proposed in the Order Paper.

BILL TO AMEND CERTAIN ACTS AND INSTRUMENTS AND TO REPEAL THE FISHERIES PRICES SUPPORT ACT

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Baker, P.C., for the second reading of Bill C-43, to amend certain Acts and instruments and to repeal the Fisheries Prices Support Act.

Hon. Gérald-A. Beaudoin: Honourable senators, I would like to say a few words on Bill C-43, to amend certain Acts and instruments and to repeal the Fisheries Prices Support Act.

The Honourable Senator Day did a fine job summarizing the substance of this bill, and I will not go over it again, except to draw attention to a few issues that concern me.

First, despite its appearance, Bill C-43 is not a corrective bill, as Senator Day claims. This bill is new in itself; it does, however, take up several elements that were rejected by the Standing Committee on Legal and Constitutional Affairs during its study of Bill C-40. They are the following elements: the Atlantic Canada Opportunities Agency Act; the Canadian Film Development Corporation Act; the Cinema Act; the Nuclear Safety and Control Act; the Telecommunications Act; and the Yukon First Nations Self-Government Act.

• (1410)

Like the preliminary version of Bill C-40, Bill C-43 proposes to repeal the Fisheries Prices Support Act, which will result in the dissolution of the Fisheries Prices Support Board and in subsequent amendments to five other federal acts, to reflect the government proposal. These acts are: the Access to Information Act, the Financial Administration Act, the Payments in Lieu of Taxes Act, the Privacy Act and the Public Service Staff Relations Act.

I note that the proposed amendments to the Energy Monitoring Act, the National Energy Board Act, the Railway Safety Act and the Canadian Environmental Protection Act (1999) were not included when Bill C-43 was drafted.

Bill C-43 includes two administrative changes to the National Capital Act. First, it changes the representation of the cities that are located in the National Capital Region on the board of that federal agency. This amendment is in response to the municipal mergers that led to the creation of the new cities of Ottawa, on January 1, 2001, and Gatineau, on January 1, 2002.

Second, the schedule to the National Capital Act that describes the National Capital Region is updated to include the boundaries of the two new cities. It should be noted that these two amendments had been withdrawn from the preliminary version of Bill C-40 by the Department of Justice, because they only reflected the creation of the new city of Ottawa and not that of Gatineau.

Bill C-43 also amends the Lieutenant Governors Superannuation Act by lowering from 65 to 60 the age at which a lieutenant governor qualifies for a deferred pension.

Bill C-43 also amends the wording of clauses 10 and 11 (retirement compensation arrangement) of the Special Retirement Arrangements Act, to harmonize them with The Public Sector Pension Investment Board Act (Bill C-78), which was adopted in September 1999.

This act provided for the establishment of the Public Sector Pension Investment Board, mandated to administer and invest employer and employee contributions under the pension plans of the federal public service, the Canadian Forces and the RCMP. As well it authorized the creation of pension funds relating to pensionable service credited to contributors from the retirement pension fund after April 1, 2000.

Amendments similar to those proposed in Bill C-43 have been made via Bill C-78 to the Public Service Pension Act, the Canadian Forces Superannuation Act and the RCMP Superannuation Act.

As can be seen from this overview, Bill C-43 is a technical bill. I am not opposed to it. The government's approach to it is, however, open to question. It is using an omnibus bill to reintroduce provisions that were rejected by the Senate Committee on Legal and Constitutional Affairs in its preliminary examination of Bill C-40. This strikes me as somewhat unusual. I therefore hope that Bill C-43 will be referred to that same committee for a proper examination. I also hope that all necessary explanations to justify the government's bill will be forthcoming from it.

[English]

The Hon. the Speaker: It was moved by the Honourable Senator Day, seconded by the Honourable Senator Baker, that this bill be read the second time.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Day, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

CRIMINAL LAW AMENDMENT BILL, 2001

MESSAGE FROM COMMONS—DEBATE ADJOURNED

The Senate proceeded to consideration of the Message from the House of Commons concerning Bill C-15A, to amend the Criminal Code and to amend other Acts.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I move, seconded by the Honourable Senator Robichaud:

That the Senate do not insist on its amendment numbered 1(a) to Bill C-15A, an Act amend the Criminal Code and to amend other acts to which the House of Commons has disagreed; and

That a message be sent to the House of Commons to acquaint that House accordingly.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Senator Carstairs: I thank honourable senators for the very hard work that was done in the Standing Senate Committee on Legal and Constitutional Affairs on Bill C-15A.

The issue of child pornography is complex and difficult. This is not an issue that many of us take great comfort talking about. I do not think there are any fundamental disagreements on this side or the other side that child pornography, in all of its forms, can be evil and that it can produce actions that none of us in this chamber would agree with.

I wish to be very clear. When the amendment that is now in dispute first came to this chamber, I had genuine concerns. That is one reason the words "on division" were included in the vote on this bill before it was sent to the other place.

• (1420)

My concern was that, by permitting this amendment, we might be making it easier for Internet providers to evade liability, not because they would have been the producer of the program, which was never in question, but for knowledge that the program was on their service.

Senator Nolin moved an amendment that had to be dealt with carefully and with due consideration. I do not want our rejection of that amendment to in any way be considered a reflection on what he tried to do, because I think he honestly tried to make the bill better. I believe all senators try to improve bills, but this is not an easy area to address. I know that Senator Nolin did not enter this area without a certain amount of trepidation in his thought processes.

As we saw happen in the other place just a few days ago, such issues can easily degenerate. We could hear, "You like pornography," or "You will support pornographers," which is not the mindset of anyone in this chamber, least of all Senator Nolin. I want that firmly on the record.

The other House has accepted two of the three amendments we made. It accepted an amendment dealing with the process for review of allegations of wrongful conviction. This amendment would limit the minister's power to delegate the exercise of the new investigative power to members of the bar of a province, retired judges or any other individual who, in the opinion of the minister, has similar background or experience. The other House also accepted a very technical amendment that added a cross-reference, in order to correct an oversight.

The other House did not accept the amendment to exempt Internet service providers from criminal liability when they merely provide the means or facilities of telecommunications. The opinion of the previous Minister of Justice, when she appeared before the Standing Senate Committee on Legal and Constitutional Affairs, was that such an amendment was unnecessary since the offence could not be committed by service providers who did not have knowledge of the content of the material stored on or going through their system.

This position was reaffirmed by the parliamentary secretary to the present Minister of Justice, when he spoke in the other place about the other amendments. I am prepared to take the word of the parliamentary secretary, speaking on behalf of the Minister of Justice, that ISPs will not be found guilty of transmitting or distributing child pornography when they are not aware of the content. However, if service providers knowingly transmit child pornography, they should and would be found guilty.

There is a concern that, as drafted, the amendment would allow service providers to be exempt from criminal liability, even if they knew they were transmitting child pornography. That was my concern from the beginning.

For all these reasons, I propose that this house concur with the message from the other House.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, in fact, there was considerable confusion. One has only to read the debates of the other place to realize that confusion reigned. I move that debate be adjourned, but I will have comments to make.

On motion of Senator Nolin, debate adjourned.

[English]

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Leaving having been given to revert to Notices of Motions:

Hon. Nicholas W. Taylor: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

[Senator Carstairs]

That the Standing Senate Committee on Energy, the Environment and Natural Resources have the power to sit at 5:30 p.m. on Tuesday, April 30, 2002, for the purpose of hearing witnesses by video conference on its study of Bill C-10, an act respecting the national marine conservation areas of Canada, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Motion agreed to.

FOOD AND DRUGS ACT

BILL TO AMEND—THIRD READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Cook, for the third reading of Bill S-18, to amend the Food and Drugs Act (clean drinking water).—(*Honourable Senator Morin*).

Hon. Yves Morin: Honourable senators, thank you for the opportunity to speak to you today on Bill S-18.

Any bill aimed at maintaining and improving the health of Canadians should be examined carefully by Parliament. The issue of the safety of our drinking water affects every person in Canada.

[Translation]

In the past, diseases caused by the contamination of drinking water were a cause of considerable suffering for Canadians, particularly at the beginning of the century, when typhoid was rampant.

[English]

Since that time, many advances in water treatment and water analysis have been made. Disinfection by chlorine is now practised throughout Canada, as are numerous clarification techniques. Today, water quality monitoring is a highly technical process that involves sensors and computers to monitor a large number of water quality parameters.

In spite of this progress, waterborne diseases continue to be an important health concern. We have only to think of the recent *E.coli* 0157:H7 outbreak in Walkerton, or the 1994 Toxoplasmosis outbreak in Victoria, to recognize the impact of these diseases.

Canadians are, with reason, worried about this situation. The Government of Canada responded to their concern in the most recent Speech from the Throne when it pledged to fulfil its direct responsibilities for water safety. I understand Senator Grafstein's desire to strengthen the regulatory process that controls Canada's drinking water by introducing his clean drinking water bill.

Under Bill S-18, the Food and Drugs Act would be modified to include drinking water in the definition of "food." This would enable federal control and inspection of water for human consumption coming from community water systems.

• (1430)

While the bill's intentions are praiseworthy, I am unable to support it. I will not dwell at length on the constitutional or judicial aspects of the bill.

[Translation]

Others have done so for me. I know that Senator Bacon has already spoken to this issue as it relates to the bill.

[English]

Honourable senators, I will instead address the bill from a scientific and technical standpoint, given my personal experience with the Food and Drugs Act and as a past member of the Science Advisory Board of Health Canada.

In my view, it is impossible to modify the Food and Drugs Act, to make it effective legislation for regulating drinking water, for several reasons.

First, and most simple, water is not food and food is not water. From a public health standpoint, these are completely different entities and require completely different regulatory approaches.

[Translation]

In all the dictionaries, the definition of "food" excludes drinking water because it cannot release energy. It is physiologically and pathologically different.

[English]

This is an important distinction. First, in Canada, disease from ingested tainted food is generally more serious than disease from tainted drinking water. Diseases such as listeriosis, from unpasteurized cheese, salmonellosis, caused by uncooked chicken, and Creutzfeldt-Jakob disease, also known as mad cow disease, require specific surveillance and control.

Second, our food and drug legislation must consider the serious issue of genetically modified food, an issue that has no relation to water.

Finally, from a public health standpoint, the nutritional value of food is as important as food safety. Water is never nutritious. It must be safe, period.

In addition to the inherent differences between food and water, the regulatory process for each is very different. Our regulation of food under the joint supervision of Health Canada and of the Canadian Food Inspection Agency applies only to a limited number of plants involved in the distribution of food across provincial borders. It does not include the great majority of food processing establishments in Canada, or restaurants, caterers and food outlets, all of which fall under provincial jurisdiction.

Bill S-18, by proposing to amend the Food and Drugs Act, does exactly the opposite. It would require federal control and inspection of every water system of the country, crossing the boundary into areas of provincial jurisdiction. This approach runs counter to actions taken in every other country, despite the fact that many of them are also facing serious drinking water problems.

Honourable senators, no other country recognizes drinking water as food. Most, including the United States and the European Union, have placed the responsibility of drinking water in their departments of the environment. A role for Environment Canada is seriously lacking in Bill S-18.

No other country has gone as far as Bill S-18 in centralizing control and inspection of its drinking water system, despite the fact that few face the challenges of geography, distance and different water systems that Canada faces. In Prince Edward Island, for example, most people get their drinking water from groundwater, through wells. In the Prairies, drinking water is kept in dugouts fed by surface runoff. In the North, drinking water is trucked into some communities, while in coastal B.C., drinking water comes from mountain watersheds in the forests. It is obvious that water quality issues will be very different depending on where one lives.

Inherent differences between food and water and departures from international precedent alone are sufficient reasons to believe that Bill S-18 is not the answer to our drinking water issues. However, the logistics of controlling drinking water are yet further reasons.

Simple inspection of water plants is not sufficient. Up to 40 per cent of water-borne outbreaks are associated with water that conforms to current treatment and water quality standards. Common water-borne diseases, such as cryptosporidiosis, which was responsible for the recent North Battleford outbreak, are not routinely detected in current water analysis, nor is the responsible protozoa eliminated by chlorine disinfection and many forms of filtration.

To maintain high-quality drinking water requires a multiple barrier approach involving multiple agencies. First, water sources, whether groundwater or surface water, need to be protected from contaminants. Containing and disposing of large volumes of animal waste from growing pig and cattle operations is a constant challenge and one that is not well regulated in Canada.

Human sewage disposal is another source of contaminants. One city's sewage is another community's water supply. However, municipal waste water systems in Canada have serious deficiencies compared with many European cities. Neither of these sources of contaminants can be considered "food safety."

Second, water needs to be treated, usually by disinfection. Historically, the response to all drinking water problems has been, "when in doubt, add chlorine!" However, chlorine by-products are now suspected of causing bladder cancer and miscarriages in pregnant women. Thus, chlorine levels are now kept at a minimum.

Balancing the need to disinfect with the risk of chlorine toxicity is not easy and could result in more boil-water advisories. This is an important application of the precautionary principle, not the result of negligent practices. It requires experience and judgment by operators and should not be condemned.

Third, we need a sound infrastructure for water and sewage distribution and treatment. Spending in this area, in Canada, has been deficient for many years, in part because of the lack of financial resources of our municipalities.

Canada has the lowest cost for drinking water among all OECD countries. The U.K. and France, for example, charge more than \$3 per cubic metre. In Japan and Sweden, the charge is more than \$2. In the U.S., the amount is \$1.25. In Canada, the average rate is 70 cents per average cubic metre. While this has enabled Canadians to use water freely, in a way that is unheard of in other countries, we need to consider whether the cost of low prices, in terms of public safety, has been too high.

Finally, honourable senators, we need comprehensive testing. Most countries have national guidelines for the detection of water-borne contaminants. We know that Canada has lagged in this respect and that both the U.S. and Europe have stricter guidelines. However, over the last two years, the provinces have been working, in cooperation with Health Canada and Environment Canada, to produce Canadian guidelines and are continuously improving them. This collaborative process, rather than a top-down approach, will certainly ensure greater local compliance.

Providing Canadians with safe drinking water is a complex and challenging task. A simple change of definition in a food safety act will not solve this complex problem. It requires action on the part of municipalities, provinces and the federal government.

I mentioned earlier the most recent Speech from the Throne, which sets out the federal government's role clearly:

The Government of Canada will fulfil its direct responsibilities for water, including the safety of water supplies on reserves and federal lands.

The Government will also lead in developing stronger national guidelines for water quality by enhancing scientific research and continuing its collaboration with partners.

It will fund improvements to municipal water and waste water systems through the federal-provincial-municipal Infrastructure Canada program.

It will also invest in research and development and advanced information systems to protect surface and ground water supplies from the impact of industrial and agriculture operations.

• (1440)

[Translation]

Honourable senators, our government's strategic program to ensure the quality of drinking water is a realistic and effective plan that will guarantee that Canadians have safe, refreshing and

good-tasting water, without there being any need to push the limits of, not to say distort, legislation that is working well.

[English]

Hon. Jeremiah S. Grafstein: Honourable senators, I wish to ask the Honourable Senator Morin a question.

The Hon. the Speaker: Will you take a question, Senator Morin?

Senator Morin: Certainly.

Senator Grafstein: Honourable senators, I wish to thank Senator Morin for bringing this information to the Senate's attention. I would have preferred to have this information available to the committee, which unanimously approved the bill. In the circumstances, I have two questions for the honourable senator.

If water is not a food, why is it that the Food and Drugs Act regulates bottled water?

Senator Morin: Honourable senators, bottled water is regulated by the Food and Drugs Act because it crosses provincial boundaries.

Senator Grafstein: Perhaps the senator misunderstood my question. The Food and Drugs Act regulates bottled water, but water is not a food. Why, then, is it regulated under the Food and Drugs Act?

Senator Lynch-Staunton: Perhaps it is a drug, in consideration of all the elements in it.

Senator Morin: That being said, bottled water is a special circumstance because specific standards of purity must be met.

I understand the question but the major issue, if I may, is that the Food and Drugs Act does not apply in small municipalities. It never reaches the municipal level. Restaurants, food outlets and caterers are not covered by the Food and Drugs Act. The Food and Drugs Act applies in large plants that supply food to the restaurants across provincial boundaries.

The other major point is that no other country uses its Food and Drugs Act to regulate water. Rather, they use environmental legislation to regulate water, because the process requires much more than simply testing the water of the municipal or regional facilities. For example, the authorities of New York City have chosen not to use the filtration system, and they have very strict rules in respect of the watershed that distributes water to the city.

Water not being considered food is one aspect of the argument that has not been followed by other countries, although the other arguments are just as strong as that one.

[Senator Morin]

Senator Grafstein: If the Food and Drugs Act has nothing to do with drinking water, as the honourable senator contends, why is it that, in the Walkerton report and the North Battleford report, there are references to both municipalities calling on the research facilities of the Department of Health to assist them in sorting out the nature of the problem in both towns?

Senator Morin: It was not the act that responded, but it was the scientists from Health Canada who are experts in microbiology. They responded when called upon for assistance. They are also called upon to deal with issues under the Food and Drugs Act and other aspects of microbiology surveillance. They can be called upon to study food that has been imported and may contain microbiological problems. These scientists also test air quality, for example. Recently they were called upon to study the make-up of some powder that was sent to various cities. They do not deal only with food and drugs.

Debate suspended.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, it being 2:45 p.m., pursuant to the order adopted by the Senate on Wednesday, April 24, 2002, it is my duty to interrupt the proceedings for the purpose of putting the deferred vote on the motion in amendment of the Honourable Senator Lynch-Staunton.

Pursuant to agreement, the bell to call in the senators will be sounded for 15 minutes.

Call in the senators.

FOREIGN MISSIONS AND INTERNATIONAL ORGANIZATIONS ACT

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Graham, P.C., seconded by the Honourable Senator Pélissier, for the third reading of Bill C-35, to amend the Foreign Missions and International Organizations Act:

And on the motion in amendment of the Honourable Senator Di Nino, seconded by the Honourable Senator Atkins, that the Bill be not now read a third time but that it be amended on page 7, by adding after line 13, the following:

"10.2 (1) If the Royal Canadian Mounted Police intends to carry out responsibilities under section 10.1 in relation to an intergovernmental conference, it shall notify the Royal Canadian Mounted Police Public Complaints Commission of its intention, and the Commission shall monitor the activities performed by the Royal Canadian Mounted Police in carrying out its responsibilities.

(2) After each conference in relation to which the Royal Canadian Mounted Police Public Complaints Commission has monitored activities under

subsection (1), the Commission shall submit to the Solicitor General of Canada a report on the activities performed by the Royal Canadian Mounted Police, and the Solicitor General shall cause the report to be laid before both Houses of Parliament within fifteen days after the receipt thereof or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that either House of Parliament is sitting."

And on the motion in amendment of the Honourable Senator Bolduc, seconded by the Honourable Senator Andreychuk, that the Bill be not now read a third time but that it be amended:

(a) in clause 5, on page 6, by replacing lines 35 and 36 with the following:

"Canadian Mounted Police may take any measures defined by the Governor in Council as appropriate in the circumstances, including controlling, limiting"; and

(b) in clause 8, on page 8, by adding, after line 35, the following:

"13.1 The Governor in Council may make regulations to define, for the purposes of subsection 10.1(2), measures that are appropriate in specified circumstances."

And on the motion in amendment of the Honourable Senator Lynch-Staunton, seconded by seconded by the Honourable Senator Kinsella, that the Bill be not now read a third time but that it be amended in clause 5, on page 7, by adding, after line 13, the following:

"(5) No member of the staff of a minister of the Crown in right of Canada and no member of the public service of the Government of Canada who is not a member of the Royal Canadian Mounted Police shall advise or instruct any member of the Royal Canadian Mounted Police in the performance of his or her duties under this section.

(6) Any person who contravenes subsection (5) is guilty of an offence punishable on summary conviction and is liable to a fine of not less than fifteen thousand dollars."

• (1500)

Motion in amendment of Senator Lynch-Staunton negatived, on the following division:

YEAS THE HONOURABLE SENATORS

Andreychuk
Atkins
Beaudoin
Bolduc
Buchanan
Cochrane
Comeau
Gustafson
Johnson
Keon

LeBreton
Lynch-Staunton
Meighen
Murray
Nolin
Oliver
Rivest
Stratton
Tkachuk—19

NAYS
THE HONOURABLE SENATORS

Adams	Joyal
Austin	Kenny
Bacon	Kirby
Baker	Kolber
Banks	Kroft
Biron	LaPierre
Carstairs	Losier-Cool
Chalifoux	Maheu
Christensen	Mahovlich
Cook	Milne
Cools	Morin
Cordy	Pearson
Day	Pépin
De Bané	Phalen
Fairbairn	Poulin
Fitzpatrick	Poy
Fraser	Robichaud
Fury	Rompkey
Gauthier	Setlakwe
Gill	Sibbeston
Grafstein	Sparrow
Graham	Taylor
Hervieux-Payette	Tunney
Hubley	Watt—48

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

Motion in amendment of Senator Bolduc negated, on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	LeBreton
Atkins	Lynch-Staunton
Beaudoin	Meighen
Bolduc	Murray
Buchanan	Nolin
Cochrane	Oliver
Comeau	Rivest
Gustafson	Stratton
Johnson	Tkachuk—19
Keon	

NAYS
THE HONOURABLE SENATORS

Adams	Joyal
Austin	Kenny
Bacon	Kirby
Baker	Kolber
Banks	Kroft
Biron	LaPierre
Carstairs	Losier-Cool
Chalifoux	Maheu
Christensen	Mahovlich
Cook	Milne
Cools	Morin
Cordy	Pearson

Day
De Bané
Fairbairn
Fitzpatrick
Fraser
Fury
Gauthier
Gill
Grafstein
Graham
Hervieux-Payette
Hubley

Pépin
Phalen
Poulin
Poy
Robichaud
Rompkey
Setlakwe
Sibbeston
Sparrow
Taylor
Tunney
Watt—48

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

Motion in amendment of Senator Di Nino negated, on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	LeBreton
Atkins	Lynch-Staunton
Beaudoin	Meighen
Bolduc	Murray
Buchanan	Nolin
Cochrane	Oliver
Comeau	Rivest
Gustafson	Stratton
Johnson	Tkachuk—19
Keon	

NAYS
THE HONOURABLE SENATORS

Adams	Joyal
Austin	Kenny
Bacon	Kirby
Baker	Kolber
Banks	Kroft
Biron	LaPierre
Carstairs	Losier-Cool
Chalifoux	Maheu
Christensen	Mahovlich
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De Bané	Phalen
Fairbairn	Poulin
Fitzpatrick	Poy
Fraser	Robichaud
Fury	Rompkey
Gauthier	Setlakwe
Gill	Sibbeston
Grafstein	Sparrow
Graham	Taylor
Hervieux-Payette	Tunney
Hubley	Watt—48

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: Honourable senators, the question is on the motion of Senator Graham, seconded by the Honourable Senator Pépin, for the third reading of Bill C-35, to amend the Foreign Missions and International Organizations Act.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

Motion agreed to and bill read third time and passed, on division.

• (1510)

FOOD AND DRUGS ACT

BILL TO AMEND—THIRD READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Cook, for the third reading of Bill S-18, to amend the Food and Drugs Act (clean drinking water).—(*Honourable Senator Morin*).

The Hon. the Speaker: Honourable senators, the sitting is resumed.

Just prior to suspending the debate, Senator Morin had the floor and was responding to a question from Senator Grafstein. However, Senator Morin, your 15 minutes have expired.

Hon. Jeremiah S. Grafstein: I have one brief question, and then I will conclude, with the concurrence of Senator Morin.

The Hon. the Speaker: Senator Morin, do you wish to seek leave for additional time?

Hon. Yves Morin: I do.

The Hon. the Speaker: Is leave granted?

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I agree to allow the senator to ask one question and receive one answer.

[*English*]

Hon. Senators: Agreed.

Senator Grafstein: Thank you, honourable senators, and I especially thank Senator Morin for his courtesy.

The honourable senator has brought to our attention the fact that, in Canada, there are federal guidelines for drinking water; on the other hand, unlike any other jurisdiction such as Europe or the United States, the honourable senators tell us that there is no centralized regulation. Is it not correct that in Europe there is central regulation of water at the EU? Is it not correct that, in the United States, there is centralized federal regulation under an agency in Washington that took that power in 1974, in order to ensure that there were enforceable, clean drinking standards across the United States?

Senator Morin: I thank the honourable senator for his question. I will start with Europe. The European Union has set up a commission that has a mandate to review what is being done in the individual countries. It has taken what is called a river basin approach because the effluents that feed the civic water supplies come from different countries. The EU is in a situation that we are not in here, in Canada; therefore, there are rather strict controls on these river basins.

It is the individual countries that actually regulate water. However, they must report to the European Union. You will find on the Internet, the various rules that have been set up by the European Union. The EU asks individual countries to report on a number of controls that each country performs, itself. These controls are related mainly to waste disposal plants, which is much more of an issue than the water purification plants.

The European Union does not actually itself perform the controls. It asks for reports to be done on a regular basis, not only on water purification plants, chlorination and so forth, but also on what is happening in the river basins — because one river may flow into a different country. Each individual country wants to be sure that the water coming into its river has been under some control in the other country. Europe has a completely different situation from Canada, where we do not draw our drinking water from another country.

The United States, under the Environmental Protection Agency — not under the Food and Drugs Act — has set up a number of guidelines that are extremely strict. A recent review has been conducted of the work that has been done under the U.S. Environmental Protection Agency guidelines. Even though the EPA itself does not do the actual verifications and tests in the various cities, it publishes its guidelines and expects the various municipal authorities and states to respond to them.

In one year, over 10,000 systems in the U.S. have violated the health-based drinking water standards of the EPA. In addition to these 10,000 violations, it has been shown that the states report to the U.S. Environmental Protection Agency only 55 per cent of major violations and only 10 per cent of monitoring and reporting violations.

• (1520)

In spite of the fact that the U.S. has strict regulations, they are regularly violated by the states and municipalities. Our approach in Canada, of having less strict regulations set by the provinces under the leadership of the federal government, will lead to much better compliance, and in this case I strongly believe that the Canadian approach is preferable.

Hon. Charlie Watt: Honourable senators, I rise today to express my strong support for Bill S-18. There is no doubt that the tragedy in Walkerton and, more recently, the further grave situation in North Battleford, awakened all Canadians to the severity of the national public health issue caused by sub-standard drinking water, which can be found in too many areas of this country.

The honourable senator sponsoring Bill S-18 spoke eloquently on this subject and I wish to commend him for keeping the issue of clean, safe drinking water in full public view, where it belongs.

Honourable senators, Bill S-18 is not the first federal initiative to address the water quality issue. In 1996 and 1997, the government-sponsored Drinking Water Materials Safety Act would have set a national guideline for the quality of drinking water. It did not get past first reading. The federal government has also been active in the development of a national guideline for drinking water since 1968. Currently, the Federal-Provincial Subcommittee on Drinking Water is responsible for regular revision and updating of a national guideline for drinking water quality. Those and other initiatives recognize the critical nature of the water quality issue for all Canadians. The question is, are they enough?

Honourable senators, I favour a strong national standard and I am deeply concerned that the current policy framework in the area of water quality lacks an enforcement mechanism. For example, at present, provincial and territorial compliance with the national drinking water guideline is entirely voluntary. What is needed, in my view, is legislation with teeth. By bringing drinking water under the Food and Drugs Act, Bill S-18 represents a vital step forward in this key public health matter.

Honourable senators, I have listened carefully to the statements opposing Bill S-18 on constitutional grounds. In 1997, in the pre-Walkerton era, constitutional arguments also resulted in the withdrawal of the Drinking Water Material Safety Act. While I do not discount constitutional concerns, neither do I discount the urgency of addressing the national public health issue highlighted by the Walkerton crisis. In my view, the health of Canadians and the right of safe drinking water must come first.

Honourable senators, the remainder of my remarks will focus on one segment of the Canadian population that suffers most acutely from the problem of safe drinking water and the gap resulting from the absence of a national standard. I refer to Canadian Aboriginal people and, in particular, the First Nations community living on reserves, whose situation Senator Grafstein has already described as the "most obscene of all." The facts and figures to support this assessment are not lacking.

To cite just a few examples, in 1996, the Royal Commission on Aboriginal Peoples found that in Ontario alone, 22 per cent of the First Nation's water treatment plants represented an immediate risk to health, while an additional 44 per cent failed to meet government standards.

A 1995 Health Canada survey found that 171 First Nations water systems, or about 20 per cent of the total surveyed, posed possible health risks. In 2000, Health Canada determined that

about 12 per cent of Canadian First Nations communities — that is 80 to 100 communities — still have potentially hazardous water, including 30 in Saskatchewan, 27 in British Columbia and 14 in Ontario.

Health Canada reported that in July 2001, 47 First Nations communities were under boil-water advisories. In March 2002, 67 First Nations' water systems posed health risks serious enough to require boil-water orders. Some First Nations communities in Saskatchewan and Quebec, for instance, have been under such advisories for years.

Honourable senators, these are only a few of the figures highlighting the precarious position of First Nations members when it comes to safe drinking water. In 2001, the National Chief of the Assembly of First Nations reminded us all that, while longstanding water problems in First Nations communities do not make headlines, unsafe water kills newborn and elderly in those communities every year. He recalled eight children dying of gastro-enteritis from contaminated drinking water in one season in James Bay communities.

Honourable senators, no one doubts that the federal government has made efforts to address the severe water problem facing First Nations communities. The issue is whether they have been effectively addressed. In March of this year, the federal government announced that it would spend an additional \$215 million to upgrade and maintain water services on reserves. This amount falls far short of the nearly \$800 million said to be required in an internal government report. Only last December, University of Alberta researchers found that confusion, duplication, omission and mismanagement of drinking water on reserves resulted from the federal practice in funding, delivering and designing water systems.

Honourable senators, the federal government has a special role and unique responsibility in relation to Canada's Aboriginal peoples. This special role makes the argument for the enforcement of national water quality standards in First Nation communities especially compelling. The special role is a constitutional one, arising from Parliament's legislative jurisdictions over "Indian and Lands reserved for the Indians." Is there any doubt that this provision authorizes Parliament to legislate national water standards for the First Nations communities? Canada's unique responsibility also has a constitutional dimension, in my view. It is a fiduciary responsibility, long recognized by Imperial and domestic governments and by the Supreme Court of Canada. In their submission to the Walkerton Commission of Inquiry, the Chiefs of Ontario stated:

• (1530)

In the context of policies relating to drinking water on reserve, Parliament's fiduciary responsibility requires that positive measures be taken, in full consultation with affected communities, to assist First Nation efforts to attain and maintain a safe and reliable community water supply... Change is clearly needed. The federal government's policies need to be overhauled, more resources need to be dedicated to the goal of ensuring safe and reliable drinking water in First Nation communities, and First Nation people need to be permitted to meaningfully participate in the search for sustainable solutions in their communities.

Honourable senators, I believe the federal government has a positive duty to enforce national quality water standards on First Nations reserves. I also believe that Bill S-18 represents needed change. To those who would argue that it might not be a complete answer to the water quality issue affecting the First Nations communities, I would answer that as responsible legislators we should adopt Bill S-18 as an important first step in the process of ensuring that all Canadians, and Canada's Aboriginal people in particular, have access to safe, clean drinking water.

Senator Grafstein: Honourable senators, I would like leave of the Senate to take the adjournment so that I might speak to Senator Morin's comments next week. I shall give you the rationale briefly.

I spoke at third reading, immediately after the senator, without being aware that there were substantive objections to the bill, because the committee had approved the bill unanimously. Senator Morin advised me several weeks ago that we had some problems with this. Today, I heard for the first time, although Senator Morin did offer to give me his speech yesterday, the nature of these objections.

Normally under our rules, when there is a private member's bill, a senator can only speak once on third reading. If it is a government bill, one is obviously able to speak twice on third reading to respond to any criticism under the bill, I believe. Therefore I seek leave of the Senate to respond to Senator Morin's critique briefly. I will try to limit myself just to the issues that he raised, which are different from those that were raised before the committee where we had independent witnesses to respond.

I would do that early next week, with the consent of honourable senators. Therefore, I crave the leave of the Senate to take the adjournment.

The Hon. the Speaker pro tempore: Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: Honourable Senator Sibbeston, I saw you rising and I understand you wish to ask a question?

Hon. Nick G. Sibbeston: Honourable senators, I was hoping to speak but I am content to speak next week.

Senator Grafstein: Due to the circumstances, honourable senators, perhaps Senator Sibbeston can take the adjournment and, with leave, I will follow him.

On motion of Senator Sibbeston, debate adjourned.

[Translation]

ILLEGAL DRUGS

BUDGET—REPORT OF SPECIAL COMMITTEE PRESENTED

Leave having been given to revert to Presentation from Reports of Standing or Special Committees:

Hon. Pierre Claude Nolin, Chair of the Special Committee on Illegal Drugs, presented the following report:

Thursday, April 25, 2002

The Special Committee on Illegal Drugs has the honour to present its

FOURTH REPORT

Your Committee, which was authorized by the Senate on Thursday, March 15, 2001, to reassess Canada's anti-drug legislation and policies, now requests approval of funds for 2002-2003.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

PIERRE CLAUDE NOLIN
Chair

(For text of budget, see today's Journals of the Senate, Appendix "D", p. 1492.)

The Hon. the Speaker pro tempore: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Nolin, pursuant to rule 57(1)(e), report placed on the Orders of the Day for consideration two days hence.

[English]

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET—REPORT OF COMMITTEE PRESENTED

Hon. Nicholas W. Taylor, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, April 25, 2002

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

TWELFTH REPORT

Your Committee, which was authorized by the Senate on March 1st, 2001, to examine such issues as may arise from time to time relating to energy, the environment and natural resources, now requests approval of funds for 2002-2003.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

NICHOLAS W. TAYLOR
Chair

(For text of budget, see today's Journals of the Senate, Appendix "E", p. 1500.)

The Hon. the Speaker pro tempore: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Taylor, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET—STUDY ON STATE OF HEALTH CARE SYSTEM— REPORT OF COMMITTEE PRESENTED

Hon. Michael Kirby, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, April 25, 2002

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

EIGHTEENTH REPORT

Your Committee, which was authorized by the Senate on March 1st, 2001, to examine and report upon the state of the health care system in Canada, respectfully requests that it be empowered to travel outside Canada for the purpose of its study.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

MICHAEL KIRBY
Chair

(For text of budget, see today's Journals of the Senate, Appendix "F", p. 1510.)

The Hon. the Speaker pro tempore: Honourable senators, when shall this report be taken into consideration?

[Senator Taylor]

On motion of Senator Kirby, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Poy, seconded by the Honourable Senator Banks, for the second reading of Bill S-39, to amend the National Anthem Act to include all Canadians.—(*Honourable Senator Jaffer*).

Hon. Joan Fraser: Honourable senators, it is with considerable trepidation that I rise to speak on this bill because so many people whose opinions I respect have spoken in favour of it, and because I have great respect for the motivations of Senator Poy in submitting the bill. However, after considerable thought I have concluded that I cannot give my support.

Honourable senators, a national anthem is not a restaurant menu to be changed whenever we see fit. I have spent a good portion of my adult life working for women's equality, and it is a cause in which I fervently believe. However, I do not think this is the best way to advance that cause, and it seems to me that the disadvantages of the bill far outweigh the advantages.

• (1540)

The main argument that has been advanced for this proposed change to the English version of the national anthem is that the present words "in all thy sons command" exclude women and thus do not fit with the values that Canada proudly espouses in the 21st century. It is further argued that to adopt the alternative phrase, "in all of us command," would be to return to the original English lyrics as written by R. Stanley Weir. With respect, I do not think that either of these arguments stands up to examination.

Let us look first at the question of values. The fact is that the words of many national anthems do not bear very close examination in light of today's values. Often they glorify violence or a particular ethnicity.

[Translation]

Honourable senators, the most striking example — and I am sure you will agree — is without a doubt *La Marseillaise*. It starts off in a way that is understandable considering the times in which it was written, referring to the fearsome soldiers of the enemy and tyranny's bloody standard, accusing them of cutting the throats of the women of France. Then the anthem moves into what, to modern eyes, is totally unacceptable: the horrifying wish to let impure blood flow in our furrows. Jean-Marie Le Pen could not have put his philosophy in any clearer terms. Yet even the most civilized of French citizens sing these words without hesitation, not because they are a literal translation of the values France incarnates, but rather because they have been sung for two hundred years, and *La Marseillaise* is among their country's most cherished traditions.

[English]

The United States is not much better. *The Star-Spangled Banner*, as we all know, talks about "the rockets red glare" and "bombs bursting in air." *Hail to the Chief*, which is the anthem of the U.S. president, offers a startling set of values. Its words begin "Hail to the chief who in triumph advances. Honoured and blessed be the evergreen pine." and I do not think it was written by an ecologist.

As we know, *God Save the Queen* asks the deity to "send her victorious." Argentina's national anthem says, "We vow to die with glory." Ireland: "We'll sing a song, a soldier's song...Impatient for coming fight." Greece: "From the graves of our slain shall thy valour prevail."

Advance Australia Fair, the Australian anthem, has been mentioned here as a model because the Australian Parliament removed what was deemed to be a sexist line, but *Advance Australia Fair* has other problems. It does not mention Aboriginal people or, indeed, anyone much except people of British stock, but it certainly glorifies them. It is replete with references to British courage and the like, and it actually includes the line, "Britannia rules the wave" — not "waves." They left off the final "s" so that it would rhyme with "brave."

Against such models, Canada's little reference to its sons seems to me, at least, less than offensive. Would we not be reverting to the original in making the change suggested by Senator Poy? Well, no.

Here are Mr. Weir's original lyrics:

O Canada! Our home, our native land,

— "our native land," not "and native land" —

True patriot love thou dost in us command,

We see thee rising fair, dear land, The True North strong and free;

Then we go on to stand on guard, five times, I think.

No one is suggesting that we revert to "we see thee rising fair, dear land," let alone to all those "standing on guards," so we are not, in fact, talking about going back to the original version.

Here is another problem: If we want to acknowledge women's concerns, why not other groups? Why not acknowledge Aboriginal people and immigrants and fishermen and bankers and software engineers?

Does the reference to "God" not offend many Canadians, if taken literally? There is no end to the changes we would have to make if we wanted the national anthem to reflect all of our values explicitly. The values are clear — but we are not talking about the values, we are talking about the national anthem.

I have a further problem with the wording proposed in this bill. I say this with particular deference to Senator Banks. The wording is, in my view — forgive me — leaden. Try to sing "in all of us command." It simply thuds embarrassingly. Weir's original phrase, "thou dost in us command," has a finer ring, but I suppose that, if we adopted that, we would be assailed for using archaic language.

I do not mean to suggest that the present wording of *O Canada* is perfect. It certainly is not, and not only for the reasons suggested by Senator Poy. I myself have always had trouble with the awkward phrase, "From far and wide. O Canada, we stand on guard for thee." Since standing on guard is basically a stationary activity, I do not see how one can stand on guard from far and wide.

That line was, of course, created the last time Parliament decided to meddle with the English lyrics of *O Canada*. It was a fine example of what happens when you let a committee of politicians try to write poetry. I do not see why we should now compound the error.

The main point about a national anthem is that it is, or becomes, part of the country's national traditions. It is the song that generations of citizens sing and it is their singing of it, not the words themselves, that hallow it. That is why the French still sing of "sang impur" and the Americans sing of bombs and rockets. Indeed, that is why French-speaking Canadians still sing, in *O Canada*, of the cross and the sword. It is not because they want to turn Canada into a theocracy or a military dictatorship, but because these are the words that have been sung for generations. They have been sung in circumstances where Canadian patriotism was a brave cause to espouse. As long as I live, I will never forget hearing them sung with thunderous fervour by thousands of Quebecers at the famous rally in the Paul Sauvé arena on the eve of the 1980 referendum. To change those words would be to betray history.

Honourable senators, let the same be true of the English words to *O Canada*, imperfect as they may be. They never will be perfect, but they are ours. Let that be an end to it.

On motion of Senator Fraser, for Senator Jaffer, debate adjourned.

CANADA POST CORPORATION ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Nicholas W. Taylor moved the second reading of Bill S-42, to amend the Canada Post Corporation Act (house-holder mailings).—(*Honourable Senator Taylor*).

He said: Honourable senators, I will be brief. This bill proposes a fairly simple change to the Canada Post Corporation Act, to provide to members of the Senate the same householder mailing privileges as members of the House of Commons have. The bill does not deal with addressed mail.

The bill would allow members of the Senate to send, postage free, in any calendar year, up to four mailings of printed matter to a limited number of persons residing in the province from which the senator is appointed. I will not go into the details at this time. They are laid out in the bill.

Under the current legislation, senators are entitled to mail as many "addressed" pieces of mail as they wish, as are members of the House of Commons. However, we are required to address each piece of mail individually, which is very onerous for a mailing of 50,000 pieces.

• (1550)

In addition to that, members of the other place are also entitled to four postage-free householders to their constituents, as well as an unlimited number of what they call "10 percenters."

Furthermore, they are entitled to a preferred rate of 82 cents per kilogram for bulk mailing above and beyond their four allotted postage-free householders and unlimited 10 percenters.

For example, as it stands now, if a senator wished to circulate a bulk 50,000 piece "to the householder" mail-out to his or her home province, it would cost \$4,800, \$0.09 apiece, plus \$6 per 1,000 copies for transportation and tax. The exact same mail-out would cost a member of the other place \$164 — that versus \$4,800. That is a considerable difference.

I realize that most of my distinguished colleagues are concerned about cost. In the 2001-02 Main Estimates, \$22.21 million is allocated to Public Works and Government Services for Canada Post as compensation for the cost of providing mail privileges for literature for the blind and to the House of Commons, the Senate of Canada, the Library of Parliament and the Governor General.

Although the forgone revenues represented by these free mailings is not precisely measured, it is based on volumes that can be approximately assigned as follows: literature for the blind, \$13 million; House of Commons, \$7.8 million; Senate of Canada, \$666,000; Library of Parliament, \$333,000; and the Governor General, \$111,000.

Assuming that all members of the Senate use their total allowable postal privileges, the total cost would be \$2.7 million. In other words, if every senator started to use the same privileges as those of the House of Commons, our total would rise from \$666,000 to \$2.7 million, still far short of the House of Commons \$7.8 million.

I maintain that one of the major responsibilities of the Senate is to serve all Canadian citizens. Unfortunately, a large segment of the population does not know what the Senate does on a day-to-day basis. Therefore, honourable senators, this legislation could be used as an educational tool so that the Canadian public will better appreciate the role of the Senate in Canadian politics.

Also, we have taken a more proactive role in tabling legislation. Therefore, we should have the opportunity to communicate with the public our objectives and reasoning behind our proposed legislation.

Right now, Senate bills and speeches made here are reported through the rather imperfect media of the *Ottawa Citizen*. Those who subscribe to the *Debates of the Senate* can get a look at a senator's speech, but senators themselves are faced with astronomical costs for mailing out copies of such speeches.

[Senator Taylor]

I suggest that the Senate is changing. A number of people have said to me in the last few years, "You seem to be more active there now." I think part of that increase in activity will be communicating to the public what the Senate does. The easiest way to do that is through householder mailings.

I thank honourable senators for their attention.

Hon. Bill Rompkey: Honourable senators, I rise to support Senator Taylor and to commend him for bringing forward this matter.

I am one who used householder mailings quite frequently in the House of Commons, as did many of us. They are very useful tools. The accusation is often made that the Senate is unaccountable. Householder mailings would be one way of improving accountability. They would allow us to share with the public what goes on in the Senate. In fact, householder mailings can provide an opportunity for members of the public to respond. Quite frequently, I used to make available in my mail-outs a place for people to respond, and in fact I received responses, which enabled me to know what people were thinking.

I would remind honourable senators that the Senate has a newsletter, which has been existence for about a year and a half now, and interest is growing in it. However, the Senate newsletter has to be addressed. What Senator Taylor is proposing is a mailing that is widespread and not targeted to particular individuals.

A householder mailing has the potential to be an important communications tool for us. I congratulate the Honourable Senator Taylor for bringing forward this issue. It is something that honourable senators should support.

On motion of Senator Chalifoux, debate adjourned.

FIRST NATIONS SELF-GOVERNMENT RECOGNITION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator St. Germain, P.C., seconded by the Honourable Senator Tkachuk, for the second reading of Bill S-38, declaring the Crown's recognition of self-government for the First Nations of Canada.—(*Honourable Senator Tkachuk*).

Hon. Janis G. Johnson: Honourable senators, I listened with great interest to the remarks that Senator St. Germain made on Bill S-38, which deals with recognizing the powers of First Nations people inhabiting lands reserved for their communities.

I rise in my place today to say that I look forward, as I am sure all honourable senators do, to listening to the remarks that the Honourable Senator Tkachuk will be making when the Senate next sits.

The Hon. the Speaker *pro tempore*: Honourable senators, is it agreed that the motion remain standing in the name of the Honourable Senator Tkachuk?

Hon. Senators: Agreed.

STUDY ON STATE OF HEALTH CARE SYSTEM

INTERIM REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the seventeenth report of the Standing Senate Committee on Social Affairs, Science and Technology, entitled: *Volume Five: Principles and Recommendations for Reform — Part I*, tabled in the Senate on April 18, 2002.—(Honourable Senator Kirby).

Hon. Michael Kirby moved the adoption of the report.

He said: Honourable senators, I rise to begin a debate I hope will involve many members of this chamber. The debate will focus on the recent report of the Standing Senate Committee on Social Affairs, Science and Technology, the first of two volumes containing conclusions on our health care study. I hope that as many honourable senators as possible will participate. This chamber provides a unique forum, in the sense that an open, unrestricted debate on what Canada's health care policy ought to be for this century is unlikely to occur in the other place. Therefore, all of us have a unique opportunity to participate in the debate on this important issue.

Before making a few remarks, I should like, on behalf of the committee, to pay enormous thanks to our Committee Clerk, Cathy Piccinin, and to our two researchers, Odette Madore and Howard Chodos, all of whom have worked above and beyond the call of duty for the last year and a half. They have been very instrumental in helping the committee to carry out its work and, indeed, to produce all the documents that we have thus far produced.

Honourable senators, what I would like to do in the next few minutes, and I will try to stick as close as I can to the 15-minute mark, although I may go a minute or two over, with your indulgence, is point to some highlights and then raise some questions that we hope all Canadians will be prepared to debate.

The fragile and deteriorating state of our health care system means that Canadians confront some very hard choices, if they are to have the health care system they want, as they have indicated to us through pollsters and the news media.

• (1600)

After more than two years of study, our committee has concluded that Canada's publicly funded health care system is not fiscally sustainable, given the current funding levels. We have clearly documented this conclusion in our report. Honourable senators, that same conclusion was reached by four different

provincial inquiries into the health care systems in their respective provinces. I am referring to inquiries conducted in Quebec, Ontario, Saskatchewan and Alberta, each of which came to the same conclusion.

It is also clear that Canadians want the federal government to play a strong role in restructuring and reforming health care. In that connection, the lack of fiscal sustainability and the desire for a stronger federal role mean that Canadians will have to pay more for their publicly funded hospital and doctor program than they have paid until now. Not only will individual Canadians have to pay more to the federal government to sustain the system, but also they will face increased funding demands necessary to close the most serious gaps in the health care safety net, especially those gaps that relate to prescription drugs and home care.

Honourable senators, federal revenues are already stretched, and any additional federal funding for health care will have to come from so-called "new money." This means that Canadians will have to balance their desire for publicly funded health care services against their willingness to pay for that service.

In its latest report, which was released one week ago today, April 18, the committee outlined 20 principles for restructuring the publicly funded hospital and doctor system. There are two underlying themes to these principles: First, there is an urgent need to restructure the system so that all players — providers, institutions, patients and yes, indeed, governments — have the appropriate incentives to improve the efficiency of health care delivery. Second, there is a need to improve transparency and to make both the funders and the providers more accountable to the public by ensuring that information about the system — its cost, its waiting times, its performance and its outcomes — is widely available. Today, none of this information is widely available, or available at all, in the sense that most of the institutions do not know the greater part of the information just described. The rationale for this focus on the noted underlying two themes is to produce a more patient-focused system.

The committee has also concluded that restructuring must entail separating the functions of insuring, delivering and evaluating health care. Amongst the gains that will result from this separation are four of particular note: First, the efficiency of health care delivery will increase because there will be greater competition among institutional providers; second, the system will become more transparent and accountable by generating more accurate and objective evidence-based information about access — waiting times — outcomes and costs than is now available; third, it will be possible to make decisions about what will be covered and what will not be covered under the public health insurance plan in an open and transparent manner rather than the behind-closed-door manner, which goes on at the present moment; and fourth, this separation will help make the system more patient oriented and responsive than it is now, especially if our recommendation for a maximum waiting time — referred to as the "care guarantee" in our report — is implemented.

An important element of restructuring involves moving to a service-based funding arrangement for remunerating hospitals, that is, moving hospitals away from the current system that is based on an annual global budget that is not tied to the specific levels of services delivered to patients to a financing system for hospitals and clinics that would be based on essentially paying them for the specific services they have provided, once they have

provided them. The big advantage of moving from a global or annual budget system to a service-based budgeting system is that it will enable Canadians to see, for the first time, the direct relationship between the level of government and insurer funding and the number and types of medical procedures that are to be performed in the hospital or clinic.

This will help shift the public debate away from dealing exclusively with dollars in the abstract, which is what we do now by funding \$10 million more for this hospital resulting in \$10 million less for that hospital, to focussing concretely on evaluating the quantity of services that can be provided to the patients for any given funding level. Also, the separation of insurer from provider means that the insurer, or the government, will be indifferent with respect to the corporate structure of the institutional providers, as long as two conditions are met: First, that any given institutional provider in any province is paid the same amount for performing a given service; and second, that the quality, regulatory and evaluation process is the same for every institution, regardless of its ownership structure.

Honourable senators, once the restructuring has been completed in accordance with the committee's recommendations, it will be the most efficient providers who will supply the services. It will not matter from a public policy/public interest point of view if these providers are publicly or privately owned, or if they are not-for-profit or for-profit.

The committee concluded that the reform of primary care should lead to the establishment of primary care group practices or clinics that will operate 24 hours per day, seven days per week. This recommendation is based on two very important principles: First, it will lead to better integration of health care services and it will relieve much of the pressure on hospital emergency rooms because the first stop, if one is a member of a 24-hour clinic, will be at the clinic and not at the emergency room. Second, it will lead to a much more patient-oriented health care system because a primary health care clinic will involve a wide range of services, not merely the services of nurses and doctors. Those other services may include therapy and general health-related services.

The entire committee is handling the communication of the results of the report, and it is a wonderful team effort. Senator LeBreton spoke to the report in Toronto yesterday; Senator Keon spoke to a large group of seniors at the Congress Centre earlier today; Senator Cook will speak to the report at an event in Newfoundland; Senator Cordy will be in Nova Scotia; Senators P  pin and Morin have already spoken to it in Montreal; and I will be in Calgary next week.

Honourable senators, this has been one of the greatest team efforts in which I have ever been involved — and it is a wonderful experience to be part of a team.

The committee is well aware, on the basis of some of the comments from audiences we have spoken to since we released the report, that there will be some opposition on the part of some doctors to the creation of 24-hour clinics. We have said, in our report, that there needs to be flexibility in the way in which primary care reform is implemented to reflect local realities. It is, nevertheless, crystal clear to the committee that we must move

towards a system that is centred on meeting the needs of patients around the clock. If the health care system is to be truly patient-oriented, it must be based on meeting patients' needs and not based on those things that are simply convenient for doctors. The banking system was able to move away from its old hours of operation, 10 a.m. to 3 p.m., and become customer-focussed, and so a similar change in attitude approach should surely be possible in reforming primary care delivery. Many witnesses told us that, if there is one thing Canadians should be able to expect from their publicly funded health care system, it is access to health care services when they need them.

To ensure that access, the committee has proposed that a maximum waiting time be established for each type of medical procedure or treatment. When that time is reached, the insurer should pay for the patient to immediately receive the procedure or treatment in another jurisdiction, and if necessary, in another country, such as the United States.

This care guarantee is a central component to our reform. It is central because it is making the system truly patient-focused. Equally important, its implementation will also help convince Canadians that it is worthwhile to put more of their hard-earned money into the health care system. To persuade Canadians to contribute more, it is essential that they see that they are receiving better service in return for their investment. The care guarantee will be the proof that they are receiving better service.

In the long run, the reforms proposed by the committee will make the system more efficient and will help to save money. However, in the short term, initiating reform in a complex system such as health care will require considerable additional investment, just as the restructuring of any industry costs money.

• (1610)

Yesterday we heard from Duncan Sinclair, Chairman of the Ontario Health Services Restructuring Commission. His view was that restructuring costs alone, assuming the federal government paid half, would cost several billion dollars a year for a period of probably up to 10 years.

Once it is recognized that the publicly funded health care system does not currently have sufficient resources to respond to all demands being placed upon it, let alone to close the gaps in the health care safety net or finance the reforms necessary that will ultimately make the system more efficient, Canadians must decide what trade-offs they find acceptable.

In our report, honourable senators, we have said Canadians fundamentally have three different and unique options. The first is the continued rationing of publicly-funded health care services either by consciously deciding to make some services available and not others — that is, by de-listing services, or by allowing waiting lists to continue to grow. The committee said that is one of the options available to the Canadian public. We have also said categorically that we have rejected that option.

The second choice is to increase government revenue from individual Canadians, either by raising taxes directly or through other means, such as national health care insurance premiums, so that the rationing of services can be reduced or eliminated and waiting lines shortened.

The third option is to make some services available to those who can afford to pay for them by allowing a parallel, privately funded tier of services, while maintaining a publicly funded service for all other Canadians.

These options, and particularly the last two, which we see as the only realistic options, define the hard choices that Canadians now confront.

Having eliminated the first option, Canadians are then left with a stark choice: Either Canadians agree to pay what is needed to ensure the collective provision of hospital and doctor services, or they permit the creation of a parallel private sector system of health care services. In other words, either Canadians decide collectively, as we have historically done since the mid-1960s, to fund the health care system that they have said they want — and that the committee hopes we are able to keep — or they accept that individuals who can afford to must be allowed to purchase private health care insurance to cover services that are now covered by public insurance.

What is not acceptable is that we allow the public system to continue to deteriorate and simultaneously deny people the right to spend their own money to obtain the service they want in Canada.

The next phase of the committee's work is designed to make the full implications of these choices as crystal clear as possible to Canadians. The committee believes that a responsible approach to health care reform requires making the cost of reform to individual Canadians as specific and understandable as possible. Therefore, the committee has publicly undertaken to do what, to the best of our knowledge, no other parliamentary committee has done: Not only to provide an estimate of how much it will cost to sustain Canada's publicly funded health care insurance system, but also to specify the options that are available for raising the money required to maintain the system.

Honourable senators, the committee believes that the time for debating health care reforms is rapidly drawing to a close. By the end of the year, the time for decision-making will be upon us. In order for Canadians to be able to make an informed choice, they must understand the impact of various proposals on their own pocketbooks. It is the strong view of the committee that any report that does not enable Canadians to do this will fall short of meeting the real needs of the Canadian public.

On motion of Senator Keon, debate adjourned.

KYOTO PROTOCOL

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Taylor calling the attention of the Senate to the necessity of Canada ratifying the Kyoto Protocol, which was

signed on December 10, 1997.—(*Honourable Senator Banks*).

Hon. Tommy Banks: Honourable senators, on April 2, a poll was released that showed that 78 per cent of Canadians favoured Canada's ratification of the Kyoto accord. That poll also showed, remarkably, that 66 per cent of Albertans favoured ratification of the Kyoto accord. However, we must remember that 33 per cent of Canadians are not in favour of the accord. As we all know, we must be prudent and careful.

We need to ensure that all Canadians are well-informed about the questions that obtain on whether we should ratify the Kyoto accord. I expect we will be hearing a great deal about this in the next few weeks. The more we hear, the better, because what we have been hearing has not been entirely accurate; it has been the result of sensationalism.

Ratification of the Kyoto accord would mean a commitment to reduce our greenhouse gas emissions to somewhat more than 20 per cent of what they would be projected to be in the year 2012 if we maintained our current course and if the graph continued in the same direction.

We have all heard the argument that ratification of Kyoto would be the death knell of the oil and gas industries in Canada. There is also an argument that any industry, industrial sector or industrial nation that refuses to adapt to innovation and change in the economic landscape and to consumer demand will be destroyed.

Honourable senators, we must be careful not to get into a bunker mentality. We must not hit the trenches on this question. Those businesses that went into a bunker mentality following the introduction of both the FTA and NAFTA, the businesses that said they could not deal with these agreements, that they required protections and could not adapt, have, to a large degree, failed. Those businesses that saw the FTA and NAFTA not as a problem but as a challenge and an opportunity have, in the main, prospered and thrived.

Following the Second World War, the big, old, traditional heavy smoke-stack industries in England did not want to change and balked at those kinds of changes. The businesses that continued to balk at those changes went down, to a large degree. A second industrial revolution happened in England at the end of the Second World War, which has resulted in a new level of competitive success for British industry.

Honourable senators, we must listen and do new thinking on these questions. I do not pretend to know what that thinking is, but I know that it is out there.

As Senator Taylor reminded us, a proprietor of an 80-year-old refinery might be opposed to Kyoto, while proprietors of a new, relatively clean refinery that already exceeds the Kyoto requirements would welcome the introduction of Kyoto as levelling the playing field in which they operate.

A new report was released just days ago called "The Bottom Line on Kyoto: The Economic Benefits of Canadian Action."

• (1620)

This study, incidentally, conservatively weighed both the costs and the benefits of instituting the Kyoto accord, and it showed accumulative net economic savings of \$4 billion across the economy, reaching \$1.6 billion a year, or \$47 per capita, by 2012, as well as the net addition of 52,000 jobs, an annual gain in household wages and salaries and a \$2-billion increase in the GDP.

We need to hear about things like that. We need to hear about the fact that British Petroleum reports that its projects aimed at improving energy efficiency and reducing flaring have resulted in huge savings to that corporation, and resultant increases in their dividends.

Suncor has cut its emissions for every barrel of oil produced by 42 per cent, compared with what they did in 1990.

We must consider those costs and those benefits on the same page. Do we have to do something about global warming? Of course we do. There is no longer any credible scientific opinion anywhere arguing that if we are not causing global warming we are at least contributing to it. We are contributing to ecological, meteorological, health and economic problems with our profligate use of fossil fuels, as well as other non-renewable resources.

As Winston Churchill once said, talking about another subject: "Of course we will do it at the end, but at what greater cost and what greater sacrifice?"

We need not only to welcome but also to seek out and encourage that new thinking. We need better and more information. Meetings, for example, at Bonn and Marrakech have profoundly changed the assumptions that are contained in the original Kyoto agreement. Using extrapolations of the 1997 agreement, as it was worded then, which is what most of the naysayers are doing, is simply irresponsible. It is not a reasonable argument. We will have better numbers in May, because we should, by then, hear a report from the analysis and modelling group, which is co-chaired by Canada and Alberta, that is trying to find some reasonable numbers.

No one, of course, can tell us what the exact numbers will be. When the dust settles, will there be a cost? Of course, there will be a cost. There will be a cost whatever we do, or whatever we fail to do. We have come, as I said several weeks ago, to a fork in the road, and as Yogi Berra reminded us, "When you come to a fork in the road, take it."

There is a scientist in Alberta, David Schindler, who has won practically every scientific award known to man and whose opinions mean a great deal to me. He has pointed out some things of which I wish to make you aware.

Last week, we heard in one of our caucus meetings that Alberta has the lion's share of fresh water in Canada, and we certainly have a lot of it. However, the measurable water flow of the mighty

Peace River, as it is called — and this is not blue sky, this is not guessing, this is not tap dancing — is now down from its long-term average by 35 per cent. The measurable water flow of the South Saskatchewan River at Medicine Hat is down 53 per cent from its long-time norm.

Senator Stratton: You could walk across it three weeks ago.

Senator Banks: That is right. The water flow of the North Saskatchewan River at Prince Albert is now down by 62 per cent. I do not know how many of you have looked at the snowcap in the Rocky Mountains in the last several years, but it is melting away. We are losing our fresh water, and the Arctic ice. We lost a piece of Arctic ice the size of Prince Edward Island two weeks ago.

What is the greater cost in the long run? Is it the greater cost to pay now, whatever that cost is, or, as the man on the television commercial says, "You can pay me later"? We all know the answer to that.

I hope, honourable senators, we will pay attention to both sides of the ledger, that we will look at the costs and the benefits and that we will look at the costs now compared to the costs down the road, which will surely be greater if the preponderance of scientific opinion is even half right. We must ensure that our constituents do the same thing, that we all are well-informed, so we do not run around saying, as Chicken Little did, that the sky is falling.

I commend to honourable senators' attention all the good things that Senator Taylor has told us about the Kyoto accord, because we must move in that direction. We must pay attention to the information, and we must make sure that Canadians pay attention to the information.

Hon. Joan Fraser: Will the honourable senator accept a question?

Senator Banks: Yes, I will, honourable senator.

Senator Fraser: First of all, congratulations. That was a wonderful summary of a great many things we need to know.

I wondered, given that the honourable senator referred to the present costs, whether he had come across, and can confirm, a number I came across recently when I was preparing to make some remarks at a meeting; that is, that in the past 10 years or so, extreme weather-related or other global-warming related phenomena — ice storms, floods, droughts, forest fires, pest infestations — have cost Canada in the order of \$16 billion. That is the order of magnitude we are talking about already.

Can the honourable senator confirm that?

Senator Banks: I thank the honourable senator for her question. I, too, have read that number. In fact, we were delivered a poster talking about those national disasters the other day.

I would hesitate to attribute all those phenomena specifically to global warming, as we cannot necessarily be sure that all the problems of greenhouse gas emissions, or even of losing the continental ice shelf in the Antarctic, can be attributed specifically and only to what we do. However, there is no question that we are contributing to global warming, and that some part of that \$16-billion cost would likely have been avoided had we not been so profligate in our expenditures.

However, honourable senator, that is not the only one. I should like to add — and I cannot remember the exact number — that an astonishing number of people are hospitalized every year due to what we might loosely call meteorological problems — the cost of which is not figured into those to which you referred — which have demonstrably and irrefutably worsened in the last 10 years.

The honourable senator is correct that we could be avoiding some of those costs, and those are the things that have to be put on the other side of the ledger when we hear about the costs of mitigating the harm we are causing ourselves.

Hon. Nicholas W. Taylor: I, too, have a question for the honourable senator.

As honourable senators know, a large percentage of the world population is not industrialized like we are in the West, yet they are rushing into the industrial era. While they may only be consuming a small percentage of energy per capita as compared to us at present, the day will come when they will consume a great deal of energy.

In view of the fact that the Kyoto accord does not set limits on emerging nations, does the honourable senator think the western industrialized world has a duty to set an example, so that, in fact, if we talk to areas like China and Southeast Asia in the future, we can say, "Look, we have done it, and we are doing it"? Otherwise, they will say: "Look, you did it, and you did not do anything about it, so we want to do it."

• (1630)

Senator Banks: That is certainly true. We have to set an example for the world. I am not sufficiently naive to rely upon our setting a good example as Boy Scouts, if we were to do that, to suggest that someone in Africa or in Asia, who is about to embark on the construction of a new power plant, will say, "The good guys have cleaned up their act, notwithstanding that they did the wrong thing for 100 years, so we will follow suit." I think they are more likely to ask: "What is the cheapest way to get the power?"

The greatest advantage I see from Kyoto is that it will embark us on a search, with a great deal of incentive, to find ways to produce energy of all kinds that is more efficient and cheaper. That will be the reason that China and other parts of Asia and Africa will follow our example.

I remind honourable senators that technology is capable of remarkable things. Most of us here are old enough to remember that when Texas Instruments invented the first pocket calculator, it \$900. Now you get one free with a fill-up when you jump to the

pump. That kind of technological, exponential leap has happened within a very small part of my lifetime. The same thing will no doubt obtain with respect to energy production. All we need to do is add to the incentive to give us another boot over the hill. I think it is that example, the practical one rather than the perhaps moral one, which will be followed by others.

On motion of Senator Stratton, for Senator Spivak, debate adjourned.

[Translation]

NOMINATION OF HONORARY CITIZENS

INQUIRY—ORDER STANDS

On the Order:

Resuming debate on the inquiry of the Honourable Senator Prud'homme, P.C., calling the attention of the Senate to the way in which, in the future, honorary Canadian citizens should be named and national days of remembrance proclaimed for individuals or events.—(*Honourable Senator Cools*).

Hon. Marcel Prud'homme: Honourable senators, having already had the opportunity to speak to this inquiry, I would like to inform the chamber that Senator Nolin, with leave of Senator Cools, wishes to speak to this inquiry at the next sitting of the Senate.

[English]

The Hon. the Speaker *pro tempore*: Therefore, this motion will stand under the name of Senator Nolin.

Does the Honourable Senator Cools agree?

Senator Cools: Absolutely.

Order stands.

RECOGNITION AND COMMEMORATION OF ARMENIAN GENOCIDE

MOTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Maheu, seconded by the Honourable Senator Setlakwe:

That this House:

(a) Calls upon the Government of Canada to recognize the genocide of the Armenians and to condemn any attempt to deny or distort a historical truth as being anything less than genocide, a crime against humanity.

(b) Designates April 24th of every year hereafter throughout Canada as a day of remembrance of the 1.5 million Armenians who fell victim to the first genocide of the twentieth century.—(*Honourable Senator Cools*).

Hon. Anne C. Cools: Honourable senators, this item has been standing in my name. Obviously, senators know that I believe this to be a very important matter, a very important question and one of tremendous significance to the Armenian community. I have made it quite clear to honourable senators that I am interested in the subject matter and have tried to point out to honourable senators that it is an involved and complicated matter because the business of declaring a particular conflict a genocide has the effect of assigning legal conditions and legal meanings retroactively. In today's community, I think of international criminal courts and international criminal tribunals. This is a matter to be undertaken with a degree of seriousness.

I had informed honourable senators that it had been my hope and intention to give a fulsome and full-bodied speech on the subject matter. As honourable senators know, I have been terribly preoccupied and very busy and unable to give this matter the attention that I would have wanted. Other senators are prevailing upon me to yield so that they may be able to speak to the subject matter. One of those senators is Senator Jaffer. Having said that, I should like to take the adjournment in the name of Senator Jaffer.

On motion of Senator Cools, for Senator Jaffer, debate adjourned.

STATISTICS ACT NATIONAL ARCHIVES OF CANADA ACT

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT

Hon. Michael Kirby, pursuant to notice of April 16, 2002, moved:

That notwithstanding the Order of the Senate adopted on March 25, 2002, the Standing Senate Committee on Social Affairs, Science and Technology, which was authorized to examine and report on Bill S-12, to amend the Statistics Act and the National Archives of Canada Act (census records), be empowered to present its final report no later than June 6, 2002.

Motion agreed to.

NATIONAL SECURITY AND DEFENCE

REPORT ON SURVEY OF MAJOR SECURITY AND DEFENCE ISSUES—MOTION FOR GOVERNMENT RESPONSE ADOPTED

Hon. Colin Kenny, pursuant to notice of April 18, 2002, moved:

That within 150 days following the February 28, 2002 tabling of the report of the Standing Senate Committee on National Security and Defence entitled *Canadian Security and Military Preparedness*, the Leader of the Government shall provide the Senate with a comprehensive government response.

Motion agreed to.

[Translation]

ADJOURNMENT

Leave having been given to revert to Notices of Government Motions:

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That the Senate do now adjourn until Tuesday, April 30, 2002, at 2 p.m.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, April 30, 2002, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(1st Session, 37th Parliament)
Thursday, April 25, 2002

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act respecting marine liability, and to validate certain by-laws and regulations	01/01/31	01/01/31	—	—	—	01/01/31	01/05/10	6/01
S-3	An Act to amend the Motor Vehicle Transport Act, 1987 and to make consequential amendments to other Acts	01/01/31	01/02/07	Transport and Communications	01/05/03 amended 01/05/09	3	01/05/10	01/06/14	13/01
S-4	A First Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	01/01/31	01/02/07	Legal and Constitutional Affairs	01/03/29	0 + 1 at 3rd	01/04/26	01/05/10	4/01
S-5	An Act to amend the Blue Water Bridge Authority Act	01/01/31	01/02/07	Transport and Communications	01/03/01	0	01/03/12	01/05/10	3/01
S-11	An Act to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other Acts in consequence	01/02/06	01/02/21	Banking, Trade and Commerce	01/04/05	17 + 1 at 3rd	01/05/02 Senate agreed to Commons amendments 01/06/12	01/06/14	14/01
S-16	An Act to amend the Proceeds of Crime (Money Laundering) Act	01/02/20	01/03/01	Banking, Trade and Commerce	01/03/22	0	01/04/04	01/06/14	12/01
S-17	An Act to amend the Patent Act	01/02/20	01/03/12	Banking, Trade and Commerce	01/04/05	0	01/05/01	01/06/14	10/01
S-23	An Act to amend the Customs Act and to make related amendments to other Acts	01/03/22	01/05/03	National Finance	01/05/17	11 + 2 at 3rd 01/06/06	01/06/07	01/10/25	25/01
S-24	An Act to implement an agreement between the Mohawks of Kanesatake and Her Majesty in right of Canada respecting governance of certain lands by the Mohawks of Kanesatake and to amend an Act in consequence	01/03/27	01/04/05	Aboriginal Peoples	01/05/10	0	01/05/15	01/06/14	8/01
S-31	An Act to implement agreements, conventions and protocols concluded between Canada and Slovenia, Ecuador, Venezuela, Peru, Senegal, the Czech Republic, the Slovak Republic and Germany for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	01/09/19	01/10/17	Banking, Trade and Commerce	01/10/25	0	01/11/01	01/12/18	30/01

S-33	An Act to amend the Carriage by Air Act	01/09/25	01/10/16	Transport and Communications	01/11/06	0	01/11/06	01/12/18	31/01
S-34	An Act respecting royal assent to bills passed by the Houses of Parliament	01/10/02	01/10/04	Rules, Procedures and the Rights of Parliament	02/03/05	4 + 1 at 3rd	02/03/19		
S-40	An Act to amend the Payment Clearing and Settlement Act	02/03/05	02/03/12	Banking, Trade and Commerce	02/03/14	0	02/03/19		
S-41	An Act to re-enact legislative instruments enacted in only one official language	02/03/05	02/03/20	Legal and Constitutional Affairs					

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-2	An Act to amend the Employment Insurance Act and the Employment Insurance (Fishing) Regulations	01/04/05	01/04/24	Social Affairs, Science and Technology	01/05/03	0	01/05/09	01/05/10	5/01
C-3	An Act to amend the Eldorado Nuclear Limited Reorganization and Divestiture Act and the Petro-Canada Public Participation Act	01/05/02	01/05/10	Energy, the Environment and Natural Resources	01/06/06	0	01/06/12	01/06/14	18/01
C-4	An Act to establish a foundation to fund sustainable development technology	01/04/24	01/05/02	Energy, the Environment and Natural Resources	01/06/06	0	01/06/14	01/06/14	23/01
C-6	An Act to amend the International Boundary Waters Treaty Act	01/10/03	01/11/20	Foreign Affairs	01/12/12	0	01/12/18	01/12/18	40/01
C-7	An Act in respect of criminal justice for young persons and to amend and repeal other Acts	01/05/30	01/09/25	Legal and Constitutional Affairs	01/11/08 negotiated 01/12/10	11 1 at 3rd 01/12/13	01/12/18	02/02/19	1/02
C-8	An Act to establish the Financial Consumer Agency of Canada and to amend certain Acts in relation to financial institutions	01/04/03	01/04/25	Banking, Trade and Commerce	01/05/31	0	01/06/06	01/06/14	9/01
C-9	An Act to amend the Canada Elections Act and the Electoral Boundaries Readjustment Act	01/05/02	01/05/09	Legal and Constitutional Affairs	01/06/07	0	01/06/13	01/06/14	21/01
C-10	An Act respecting the national marine conservation areas of Canada	01/11/28	02/02/05	Energy, Environment and Natural Resources					
C-11	An Act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger	01/06/14	01/09/27	Social Affairs, Science and Technology	01/10/23	0	01/10/31	01/11/01	27/01
C-12	An Act to amend the Judges Act and to amend another Act in consequence	01/04/24	01/05/09	Legal and Constitutional Affairs	01/05/17	0	01/05/29	01/06/14	7/01
C-13	An Act to amend the Excise Tax Act	01/04/24	01/05/01	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	15/01
C-14	An Act respecting shipping and navigation and to amend the Shipping Conferences Exemption Act, 1987 and other Acts	01/05/15	01/05/30	Transport and Communications	01/10/18	0	01/10/31	01/11/01	26/01

C-15 A	An Act to amend the Criminal Code and to amend other Acts	01/10/23	01/11/06	Legal and Constitutional Affairs	02/02/19	2 + 1 at 3rd 02/03/12	02/03/19	Message from Commons agreeing with two amends. and disagreeing with one 02/04/24
C-17	An Act to amend the Budget Implementation Act, 1997 and the Financial Administration Act	01/05/15	01/05/30	National Finance	01/06/07	0	01/06/11	01/06/14 11/01
C-18	An Act to amend the Federal-Provincial Fiscal Arrangements Act	01/05/09	01/05/31	National Finance	01/06/12	0	01/06/12	01/06/14 19/01
C-20	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2001	01/03/21	01/03/27	—	—	—	01/03/28	01/03/30 1/01
C-21	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/03/21	01/03/27	—	—	—	01/03/28	01/03/30 2/01
C-22	An Act to amend the Income Tax Act, the Income Tax Application Rules, certain Acts related to the Income Tax Act, the Canada Pension Plan, the Customs Act, the Excise Tax Act, the Modernization of Benefits and Obligations Act and another Act related to the Excise Tax Act	01/05/15	01/05/30	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14 17/01
C-23	An Act to amend the Competition Act and the Competition Tribunal Act	01/12/11	02/02/05	Banking, Trade and Commerce				
C-24	An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts	01/06/14	01/09/26	Legal and Constitutional Affairs	01/12/04	0 + 1 at 3rd	01/12/05	01/12/18 32/01
C-25	An Act to amend the Farm Credit Corporation Act and to make consequential amendments to other Acts	01/06/12	01/06/12	Agriculture and Forestry	01/06/13	0	01/06/14	01/06/14 22/01
C-26	An Act to amend the Customs Act, the Customs Tariff, the Excise Act, the Excise Tax Act and the Income Tax Act in respect of tobacco	01/05/15	01/05/17	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14 16/01
C-27	An Act respecting the long-term management of nuclear fuel waste	02/03/05	02/03/20	Energy, Environment and Natural Resources				
C-28	An Act to amend the Parliament of Canada Act, the Members of Parliament Retiring Allowances Act and the Salaries Act	01/06/11	01/06/12	—	—	—	01/06/13	01/06/14 20/01
C-29	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/06/13	01/06/14	—	—	—	01/06/14	01/06/14 24/01
C-30	An Act to establish a body that provides administrative services to the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court and the Tax Court of Canada, to amend the Federal Court Act, the Tax Court of Canada Act and the Judges Act, and to make related and consequential amendments to other Acts	02/03/05	02/03/12	Legal and Constitutional Affairs	02/03/21	0	02/03/27	02/03/27 8/02

C-31	An Act to amend the Export Development Act and to make consequential amendments to other Acts	01/10/30	01/11/20	Banking, Trade and Commerce	01/11/27	0	01/12/06	01/12/18	33/01
C-32	An Act to implement the Free Trade Agreement between the Government of Canada and the Government of the Republic of Costa Rica	01/10/30	01/11/07	Foreign Affairs	01/11/21	0	01/11/22	01/12/18	28/01
C-33	An Act respecting the water resources of Nunavut and the Nunavut Surface Rights Tribunal and to make consequential amendments to other Acts	01/11/06 (withdrawn 01/11/21) 01/11/22 (reintroduced)	01/11/27	Energy, the Environment and Natural Resources	02/03/21	1	02/03/26		
C-34	An Act to establish the Transportation Appeal Tribunal of Canada and to make consequential amendments to other Acts	01/10/30	01/11/06	Transport and Communications	01/11/27	0	01/11/28	01/12/18	29/01
C-35	An Act to amend the Foreign Missions and International Organizations Act	01/12/05	01/12/14	Foreign Affairs	02/03/13	0	02/04/25		
C-36	An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism	01/11/29	01/11/29	Special Committee on Bill C-36	01/12/10	0	01/12/18	01/12/18	41/01
C-37	An Act to facilitate the implementation of those provisions of first nations' claim settlements in the Provinces of Alberta and Saskatchewan that relate to the creation of reserves or the addition of land to existing reserves, and to make related amendments to the Manitoba Claim Settlements Implementation Act and the Saskatchewan Treaty Land Entitlement Act	01/12/04	01/12/17	Aboriginal Peoples	02/02/19	0	02/02/20	02/03/21	3/02
C-38	An Act to amend the Air Canada Public Participation Act	01/11/20	01/11/28	Transport and Communications	01/12/06	0	01/12/11	01/12/18	35/01
C-39	An Act to replace the Yukon Act in order to modernize it and to implement certain provisions of the Yukon Northern Affairs Program Devolution Transfer Agreement, and to repeal and make amendments to other Acts	01/12/04	01/12/12	Energy, the Environment and Natural Resources	02/03/07	0	02/03/27	02/03/27	7/02
C-40	An Act to correct certain anomalies, inconsistencies and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal certain provisions that have expired, lapsed, or otherwise ceased to have effect	01/11/06	01/11/20	Legal and Constitutional Affairs	01/12/06	0	01/12/10	01/12/18	34/01
C-41	An Act to amend the Canadian Commercial Corporation Act	01/12/06	01/12/14	Banking, Trade and Commerce	02/02/07	0	02/02/21	02/03/21	4/02
C-43	An Act to amend certain Acts and instruments and to repeal the Fisheries Prices Support Act	02/04/16	02/04/25	Legal and Constitutional Affairs					
C-44	An Act to amend the Aeronautics Act	01/12/06	01/12/10	Transport and Communications	01/12/13	0	01/12/14	01/12/18	38/01

C-45	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/12/05	01/12/17	Committee of the Whole	01/12/12	01/12/12	0	01/12/13	01/12/18	37/01
C-46	An Act to amend the Criminal Code (alcohol ignition interlock device programs)	01/12/10	01/12/12	Committee of the Whole	01/12/12	01/12/12	0	01/12/13	01/12/18	37/01
C-49	An Act to implement certain provisions of the budget tabled in Parliament on December 10, 2001	02/03/19	02/03/20	National Finance	02/03/20	02/03/25	0	02/03/27	02/03/27	9/02
C-51	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	02/03/20	02/03/25	--	--	--	--	02/03/26	02/03/27	5/02
C-52	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003	02/03/20	02/03/26	--	--	--	--	02/03/27	02/03/27	6/02

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-441	An Act to change the names of certain electoral districts	02/04/23							

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	01/01/31	01/01/31	National Finance	01/03/28	5	referred back to Committee 01/10/23		
S-7	An Act to amend the Broadcasting Act (Sen. Finestone, P.C.)	01/01/31	01/02/07	Transport and Communications	01/06/05	0	01/06/07		
S-8	An Act to maintain the principles relating to the role of the Senate as established by the Constitution of Canada (Sen. Joyal, P.C.)	01/01/31	01/05/09	Rules, Procedures and the Rights of Parliament					
S-9	An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools)	01/01/31							
S-10	An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate) (Sen. Grafstein)	01/01/31	01/02/08				01/02/08	01/12/18	36/01
							Senate agreed to Commons amendment 01/12/12		
S-12	An Act to amend the Statistics Act and the National Archives of Canada Act (census records) (Sen. Milne)	01/02/07	01/03/27	Social Affairs, Science and Technology	01/12/14	0	referred back to Committee 02/03/25		

S-13	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	01/02/07	01/05/02	Rules, Procedures and the Rights of Parliament (Committee discharged from consideration—Bill withdrawn 01/10/02)				
S-14	An Act respecting Sir John A. Macdonald Day and Sir Wilfrid Laurier Day (Sen. Lynch-Staunton)	01/02/07	01/02/20	Social Affairs, Science and Technology	01/04/26	0	01/05/01	02/03/21 2/02
S-15	An Act to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada (Sen. Kenny)	01/02/07	01/03/01	Energy, the Environment and Natural Resources	01/05/10	0	01/05/15	<i>Bill withdrawn pursuant to Commons Speaker's Ruling</i> 01/06/12
S-18	An Act to Amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	01/02/20	01/04/24	Social Affairs, Science and Technology (withdrawn 01/05/10) Energy, the Environment and Natural Resources	01/11/27	0		
S-19	An Act to amend the Canada Transportation Act (Sen. Kirby)	01/02/21	01/05/17	Transport and Communications				
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	01/03/12						
S-21	An Act to guarantee the human right to privacy (Sen. Finestone, P.C.)	01/03/13	Dropped from Order Paper pursuant to Rule 27(3) 02/04/16	(Subject-matter 01/04/26 Social Affairs, Science and Technology)	(01/12/14)			
S-22	An Act to provide for the recognition of the <i>Canadian Horse</i> as the national horse of Canada (Sen. Murray, P.C.)	01/03/21	01/06/11	Agriculture and Forestry	01/10/31	4	01/11/08	
S-26	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	01/05/02	01/06/05	Transport and Communications				
S-29	An Act to amend the Broadcasting Act (review of decisions) (Sen. Gauthier)	01/06/11	01/10/31	Transport and Communications				
S-30	An Act to amend the Canada Corporations Act (corporations sole) (Sen. Atkins)	01/06/12	01/11/08	Banking, Trade and Commerce				
S-32	An Act to amend the Official Languages Act (fostering of English and French) (Sen. Gauthier)	01/09/19	01/11/20	Legal and Constitutional Affairs				
S-35	An Act to honour Louis Riel and the Metis People (Sen. Chalifoux)	01/12/04						

S-36	An Act respecting Canadian citizenship (Sen. Kinsella)	01/12/04	(Subject-matter 02/04/16 Social Affairs, Science and Technology)	
S-37	An Act respecting a National Acadian Day (Sen. Comeau)	01/12/13	02/03/27	Social Affairs, Science and Technology
S-38	An Act declaring the Crown's recognition of self-government for the First Nations of Canada (Sen. St. Germain, P.C.)	02/02/06		
S-39	An Act to amend the National Anthem Act to include all Canadians (Sen. Poy)	02/02/19		
S-42	An Act to amend the Canada Post Corporation Act (householder mailings) (Sen. Taylor)	02/03/26		

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R. A.	Chap.
S-25	An Act to amend the Act of incorporation of the Conference of Mennonites in Canada (Sen. Krotf)	01/03/29	01/04/04	Legal and Constitutional Affairs	01/04/26	1	01/05/02	01/06/14	42/01
S-27	An Act to authorize The Imperial Life Assurance Company of Canada to apply to be continued as a company under the laws of the Province of Quebec (Sen. Joyal, P.C.)	01/05/17	01/05/29	Legal and Constitutional Affairs	01/05/31	0	01/05/31	01/06/14	43/01
S-28	An Act to authorize Certas Direct Insurance Company to apply to be continued as a company under the laws of the Province of Quebec (Sen. Joyal, P.C.)	01/05/17	01/05/29	Legal and Constitutional Affairs	01/05/31	0	01/05/31	01/06/14	44/01

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CANADA

Debates of the Senate

1st SESSION

• 37th PARLIAMENT

• VOLUME 139

• NUMBER 110

OFFICIAL REPORT
(HANSARD)

Tuesday, April 30, 2002

THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Tuesday, April 30, 2002

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

[Translation]

ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

April 30, 2002

Mr. Speaker,

I have the honour to inform you that the Honourable Louis LeBel, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy of the Governor General, will proceed to the Senate Chamber today, the 30th day of April, 2002, at 3 p.m., for the purpose of giving Royal Assent to certain bills.

Yours sincerely,

Barbara Uteck
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

[English]

SENATORS' STATEMENTS

MEMORIAL SERVICE FOR PRINCESS PATRICIA'S CANADIAN LIGHT INFANTRY SOLDIERS KILLED IN AFGHANISTAN

Hon. Joyce Fairbairn: Honourable senators, on Sunday I had the privilege of attending the memorial service in Edmonton honouring the four young soldiers from the Third Battalion, Princess Patricia's Canadian Light Infantry Battle Group who were killed in Afghanistan under the tragic circumstances of friendly fire on April 17 — Sergeant Marc Léger, Corporal Ainsworth Dyer, Private Richard Green and Private Nathan Smith. At the heart of the ceremony were their families and loved ones, as well as six of the eight comrades who were wounded in the attack and who pushed aside their own injuries to be there for their friends. All of them have our profound gratitude, sympathy and respect.

They were surrounded by the presence of the Governor General, the Prime Minister, federal political leaders, senators, ministers, members of the House of Commons, the Premier of Alberta, the Mayor of Edmonton, the United States Ambassador

to Canada and thousands of citizens. From far and wide the Canadian military gathered to honour its own — not only in large numbers at the Skyreach Centre but also on video from Afghanistan and through strong, eloquent and loving eulogies by soldiers whose words, in memory of their regimental soulmates, were read aloud by other friends. Via television, Canadians across the country witnessed the deeply traditional ceremony of farewell and were moved by its solemnity and the lament of its music — the bagpipes, drums, brass and chorus.

The intensity and outpouring of emotion presented our nation with, perhaps, its most graphic lesson since the wars of the last century of the historic and fundamental role our Armed Forces contribute to our country and those other lands consumed by war and conflict. I hope fervently that this lesson remains in our minds and hearts and that the pride, respect and support of the past two weeks will continue to be offered every day to all our men and women in uniform.

One of Canada's finest, General (Retired) and Colonel of the Princess Patricia's regiment, John de Chastelaine, reminded us on Sunday:

...soldiers exist to fight. They carry out other roles but their reason for being is to wage war when that is necessary. All of them face privation and fear and some suffer injury and death.

Their families are left to wait and hope and then mourn and hold on to their memories. General de Chastelaine also reminded us that a country not worth fighting for is not a country. May Canada and all its citizens take that to heart as our Armed Forces continue to fight for us.

SIXTY MINUTES PROGRAM ON CANADIAN IMMIGRATION AND SECURITY

Hon. Laurier L. LaPierre: Honourable senators, I do not expect any senator to agree with the following. *Sixty Minutes* has come and gone. Its item on "Canada, Canadian Immigration and Security" was predictable. The two Canadians who vilified their country and its immigration policies and security arrangements — I will not mention their names so as not to sully the pages of the *Debates of the Senate* — were also predictable, considering the source.

Three thoughts came to my mind, especially after reading the transcript of the program. My first thought was that the program was deliberately anti-Canadian. There was no attempt to search for the truth and the values behind our policies on immigration and security. I anticipated that. After all, the Americans refused to take any responsibility for what happened in their country on September 11, 2001. It was all Canada's fault.

My second impression was that the program was profoundly racist, especially on the part of the two Canadian twits who vomited all over their compatriots. If you read the transcript, as I have, you will have a hard time coming to any other conclusion.

The third thought that came to my mind was that the two Canadian creatures, with their perfect English and establishmentarian pedigrees, have had their 15 minutes of glory. I advise them to enjoy the moment because, for the rest of their mortal lives and for as long as history exists, they will live in infamy.

• (1410)

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence of guests in our gallery. They are, the Right Honourable Peter Ala Adjetey, Speaker of the Republic of Ghana; the Honourable Papa Owusu-Ankomah, leader of the majority party of Parliament and Minister of Parliamentary Affairs; Honourable Alban Sumana Kingsford Bagbin, leader of the minority party in Parliament; the Honourable Eugene Atta Agyepong, majority party MP and Chair of the Finance Committee; Honourable Theresa Baffoe, minority party MP; His Excellency Samuel Arthur Odoi-Sykes, High Commissioner of Ghana to Canada; and Mr. Kenneth Enos Kofi Tachie, Clerk of the Parliament of Ghana.

On behalf of all honourable senators, I bid you welcome.

ROUTINE PROCEEDINGS

AGRICULTURE AND FORESTRY

BUDGET—STUDY ON AGRICULTURE AND AGRI-FOOD INDUSTRY—REPORT OF COMMITTEE PRESENTED

Hon. Jack Wiebe, Deputy Chair of the Standing Senate Committee on Agriculture and Agri-Food, presented the following report:

Tuesday, April 30, 2002

The Standing Committee on Agriculture and Forestry has the honour to present its

NINTH REPORT

Your Committee was authorized by the Senate on March 20, 2001 to examine international trade in agricultural and agri-food products, and short-term and long-term measures for the health of the agricultural and the agri-food industry in all regions of Canada.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operations of Senate Committees*, the Budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report of said Committee are appended to this report.

Respectfully submitted,

LEONARD J. GUSTAFSON
Chair

[Senator LaPierre]

(For text of documents, see today's Journals of the Senate, Appendix "A", p. 1529)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Wiebe, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BANKING, TRADE AND COMMERCE

BUDGET—STUDY ON DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM—REPORT OF COMMITTEE PRESENTED

Hon. E. Leo Kolber, Chairman of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Tuesday, April 30, 2002

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

FIFTEENTH REPORT

Your Committee, which was authorized by the Senate on Tuesday, March 20th, 2001, to examine and report upon the present state of the domestic and international financial system, now, respectfully requests approval of funds for 2002-2003.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of the Committee are appended to this report.

Respectfully submitted,

E. LEO KOLBER
Chairman

(For text of documents, see today's Journals of the Senate, Appendix "B", p. 1539)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Kolber, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BILL ON ACCESSION TO WORLD TRADE ORGANIZATION AGREEMENT BY PEOPLE'S REPUBLIC OF CHINA

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-50, to amend certain Acts as a result of the accession of the People's Republic of China to the Agreement Establishing the World Trade Organization.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Austin, bill placed on the Orders of the Day for second reading two days hence.

NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO EXTEND DATE OF FINAL REPORT OF SUBCOMMITTEE ON VETERANS AFFAIRS STUDY ON VETERANS HEALTH CARE

Hon. Michael A. Meighen: Honourable senators, I give notice that on May 1, 2002, I shall move:

That, notwithstanding the Order of the Senate adopted on October 4, 2001, the Standing Senate Committee on National Security and Defence, which was authorized to examine and report upon the health care provided to veterans, be empowered to present its final report no later than October 31, 2002.

QUESTION PERIOD

TRANSPORT

REGULATIONS TO EXTEND NUMBER OF DRIVING HOURS OF LONG DISTANCE TRUCK DRIVERS

Hon. Norman K. Atkins: Honourable senators, my question is to the Leader of the Government in the Senate. Approximately one year ago, I raised the fact that the Canadian Council on Motor Transport Administrators were contemplating recommending to the government that regulations be amended to extend the number of hours a long-distance trucker can drive per week to 84 hours. It was also contemplated that the number of consecutive hours driven during a day may be increased to 14.

The United States regulators have proposed a 12-hour-a-day driving limit, and a 60-hour workweek, monitored by mandatory onboard electronic recorders.

Could the Leader of the Government in the Senate bring honourable senators up to date as to where the recommendations stand regarding hours of driving in Canada? Is the Canadian Council of Motor Transport Administrators still considering those recommendations?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question.

It is my understanding that those recommendations are being examined at present by the Transport and Government Operations Committee of the House of Commons for report and recommendations to the minister.

Senator Atkins: Is the Leader of the Government able to tell honourable senators whether the government or the council will take into consideration the recent IPSOS-Reid poll that indicates that 85 per cent of Canadians are opposed to an increase in driving hours?

Senator Carstairs: As the honourable senator has experienced, governments tend to be most interested in poll results on a number of issues. I can assure the honourable senator that those poll results will be given consideration, as will the questions asked in those polls, so that there will be no confusion.

Senator Atkins: Honourable senators, will the Leader of the Government undertake today that, when these new trucking hours are presented in draft form, she will ask the government to refer them to the Standing Senate Committee on Transport and Communications for study and review?

Senator Carstairs: Honourable senators, with the exception of the reference of bills to committee, I do not make recommendations to individual committees. However, it would seem quite appropriate that the Transport Committee study those draft regulations, should they wish to do so.

PUBLIC WORKS AND GOVERNMENT SERVICES

PURCHASE OF CHALLENGER AIRCRAFT FOR GOVERNMENT FLEET

Hon. J. Michael Forrestall: Honourable senators, I have been informed by reliable sources that on the morning of Thursday, March 28, 2002, at approximately 9:00 a.m., the government signed a requisition for two Challenger 604 executive jets.

• (1420)

At approximately 5:30 p.m. that same day, a contract for the purchase of those two jets was signed. At 7:30 p.m. that very same day, both aircraft were delivered to the Government of Canada.

Can the minister confirm that these three documents, completing the transaction, were all signed on one day, that is, the Thursday before the Easter long weekend?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I cannot verify the honourable senator's timing as to when those various orders were signed. I can affirm for the honourable senator that, indeed, the Treasury Board documentation was signed on Thursday, March 28. That is when the contract was signed. My understanding, however, is that the aircraft were not delivered.

Senator Forrestall: Honourable senators, perhaps they were not delivered and someone just made use of them.

Honourable senators, there is no doubt that someone in cabinet must have wanted to travel very badly and in some degree of luxury for the weekend because, in fact, the planes were used. Obviously, someone likes the smell of a new executive jet — and "smell" is a good word to use in this particular case.

Can the minister explain to the chamber why this government has taken more than eight years to replace the Sea King helicopters? Can the minister tell us how it is that the Liberal government of the day can do in 15 hours that which it has not done, for the well-being of the Canadian Armed Forces, in eight years?

Senator Carstairs: Honourable senators, as the honourable senators knows, the process for the purchase of the Sea Kings, which is a \$2.9-billion purchase — the largest single purchase for

the military in its history — has undergone an extensive process. There is no doubt that the original purchase authorized by the former government was determined not to be in the best interests of the Canadian people. That was verified by the election results. During the election campaign, the government made absolutely no bones about the fact that that was what they would do.

We now know that the contract and the final statements will be issued this summer. The choice of aircraft will, hopefully, be made later this year, while a decision about the aircraft systems will be made early in the following year.

Hon. Marjory LeBreton: Honourable senators, the aircraft were bought and paid for on Thursday, March 28, just before Good Friday and the Easter weekend. The minister has said that they were not delivered. The fact is that, apparently, they were used by someone in the government. Will the Leader of the Government in the Senate inform us who used the aircraft, even though they were “not delivered”?

Senator Carstairs: Honourable senators, my understanding is that they were not delivered, so I cannot understand how they possibly could have been used.

However, if my information about their being delivered is wrong and someone used them, I will get that information for the honourable senator.

Hon. Gerry St. Germain: Honourable senators, my understanding of this one-day wonder deal is that, obviously, it was a sole-source scenario. How do the taxpayers in British Columbia and Newfoundland — in fact, taxpayers from right across the country — know that we received value for our dollars if there was no bidding process and no competition? Was this just a gift from the government to its good friend Bombardier?

Senator Carstairs: Honourable senators, I suspect the honourable senator knows that there is only one aircraft company in this country that can produce that particular piece of equipment.

A decision was made, and rightly so, that when the Prime Minister and ministers of the Crown travel not only across this country but to foreign locations, they should act as an advertisement for an excellent Canadian product.

Senator St. Germain: Honourable senators, the minister has not answered the question on valuation. How was the valuation for this particular item established? The people of Canada have a right to know. Did we pay too much for it? Did we get a red-hot deal, or was this just another gift to Bombardier?

Senator Carstairs: Honourable senators, I resent the comment that we give gifts to any company in this country. We do not.

In terms of value, the Challenger is not recognized by only the Canadian government as good value for money. It has been recognized by a number of corporations in this country and in the United States as excellent value for money.

Senator Forrestall: Honourable senators, if the minister has any difficulty finding out about the use of the particular aircraft, she can give me a call and I will give her the names of the people in the tower in the Florida airport where the aircraft landed.

CUSTOMS AND REVENUE AGENCY

SECURITY AT PORTS—POSSIBILITY OF INQUIRY

Hon. Michael A. Meighen: Honourable senators, my question is addressed to the Leader of the Government in the Senate. She will be relieved to know that it is not about helicopters. I want to move from that area of denial on the part of the government to another area of denial on the part of the government.

My question concerns security at the major ports in this country, a subject we have already raised in this chamber. Senator Angus has made an able speech on it, pointing out that just like the Standing Senate Committee on National Security and Defence, so ably chaired by Senators Kenny and Forrestall, he too called for an inquiry, under the Inquiries Act, into the state of security at our airports.

Honourable senators, we read today, in the *Ottawa Citizen*, that Lieutenant Mark Petska, President of North America's Anti-Smuggling Investigators Association, said at a conference in Halifax that Colombia's drug cartels use Halifax to import cocaine and heroin because it is closer than California and easier to enter than U.S. ports.

Honourable senators, this is exactly what the report of our National Security and Defence Committee said and exactly what Senator Angus has been saying.

Could the minister tell us whether the government is prepared to reconsider its flat denial of the necessity of an inquiry under the Inquiries Act, given the new facts that keep surfacing?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the honourable senator's question relates to two areas.

Yes, Mr. Mark Petska did make the comments. However, the Canada Customs and Revenue Agency would maintain that it takes its border protection mandate extremely seriously and exercises enhanced vigilance at many ports, including the Port of Halifax. Recently, there has been an exchange of services between Canada and the United States so that they can work in partnership, in particular with containers. They share information on a daily basis. Hopefully, that will cut down on the amount of smuggling of contraband and of terrorist activities in both countries because the United States recognizes that it, perhaps, has not had a fully viable program in place.

As to the second point, as the honourable senator knows, the Honourable Senator Kenny has put a motion before the Senate asking for a comprehensive response, from the government, to the report, 150 days from the date of the publication of the report, which has been the custom in the other place but which has not been the custom in this place. I think that is a step in the right direction.

• (1430)

Senator Meighen: Honourable senators, it is my recollection that, notwithstanding Senator Kenny's motion, the government immediately said, as soon as the report was filed, there is no more money for defence, and it rejected the call for an inquiry under the Inquiries Act. Be that as it may, I agree with the honourable leader that our authorities in the Port of Halifax and in all ports in Canada take the responsibility seriously. However, they are understaffed, under-equipped and under-trained. If we are to

properly address this growing problem, more money and resources have to be devoted to equipment, training and personnel.

The honourable leader knows that some money has been spent on security at airports, but could she tell the house if more money will be forthcoming for security at ports?

Senator Carstairs: Honourable senators, part of the monies designated for the security package is destined to be applied to our ports. However, the conference that the honourable senator has referenced is important. There are 150 investigators from Canada and the United States representing Canadian and American customs and police officials to try to further understand the needs of our ports and to make those needs known to government officials.

Senator Meighen: Honourable senators, the honourable leader has said that part of the money is to be allocated for ports security. Could she perhaps determine how much money that will be and how much money will be allocated for airports and other facilities.

Senator Carstairs: Honourable senators, the budgetary figures are not that specific and are to be based on the need as directed. However, as the honourable senator knows, the tax, or the "charge" as the Minister of Finance likes to refer to it, that is now paid by airline passengers in Canada will be specifically targeted to the airlines. Therefore, the other monies are available for port matters.

[Translation]

NATIONAL DEFENCE

MEMORIAL SERVICE FOR PRINCESS PATRICIA'S CANADIAN LIGHT INFANTRY SOLDIERS KILLED IN AFGHANISTAN—INTERPRETATION SERVICES

Hon. Laurier L. LaPierre: Honourable senators, I am very sorry to have to ask this question of the Leader of the Government. I was very moved by the ceremony held in Edmonton on Sunday, in honour of our brave soldiers killed on the battlefield.

[English]

This has distressed me greatly. The ceremony was a national event and yet Francophones who speak an official language of Canada had the misfortune of participating through the voice of an interpreter, especially after the speeches of the Governor General and the Prime Minister. Even the families of two soldiers of French Canadian origin had to participate in the same manner. We are here to fashion a unity in diversity and a nation founded on the proposition that the love we have for our country and the service that we do for our country are expressed in both official languages. What happened in respect of the French language in Edmonton was shameful. Can the honourable leader give a reason for this utter and complete disrespect to and disregard for almost one-third of Canadians?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, while many of us regarded this as a national event, in actuality the event was hosted and sponsored by the Princess Patricia's Canadian Light Infantry, which is not a bilingual unit. The military tailored the memorial to the families and to the PPCLI Unit. The honourable senator is quite right in that it was

mostly in English with translation made available on the national broadcast. There was some French spoken by the host, the military chaplain, the Governor General and the Prime Minister. It is important to point out that if the memorial had been held for a French regiment, the Van Doos, for example, it would have been almost entirely in French.

Senator Prud'homme: Never. May I say never.

Senator Carstairs: The units make their decisions as to how to conduct these affairs.

PUBLIC WORKS AND GOVERNMENT SERVICES

AUDITOR GENERAL'S REPORT— UNTENDERED CONTRACTS

Hon. Terry Stratton: Honourable senators, my question is for the Leader of the Government in the Senate about untendered contracts, which follows somewhat the line of Senator Forrestall's questions. It seems that there are numerous such contracts being issued lately.

In her latest report, the Auditor General of Canada, Sheila Fraser, revealed that Health Canada and Public Works and Government Services did not follow government contracting rules and regulations when they spent over \$25 million on the Canadian Health Network. According to the auditor, although a Web site was developed, there was no assurance that best value was received from this expenditure. Assets purchased were under-used and over-claims were made.

In view of the uproar that recently occurred over something similar, when Public Works and Government Services paid twice for a sorely inadequate report, does the Leader of the Government in the Senate have any comment on this observation about the failure of those departments to adhere to proper contracting rules and regulations?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the Honourable Anne McLellan, Minister of Health, has been quite clear in her acceptance of the judgment of the Auditor General of Canada. The minister has also indicated that changes will be made so that similar kinds of contracts and any continuation of this contract will be done with all due process.

Senator Stratton: Honourable senators, on a supplementary question, many people share my concern that there seems to be a great number of untendered contracts being let, including the contract for the new "Taj Mahals." Does the Leader of the Government in the Senate have a list of these untendered contracts? The Honourable Don Boudria, Minister of Public Works and Government Services, made a statement about another untendered contract last week. There should be a summary of the number of such contracts and their values because they are becoming a concern to Canadians.

Senator Carstairs: Honourable senators, as the honourable senator knows, contracts are available through access to information for all Canadians. The process is such that contracts should be tendered, under most circumstances. In some situations sole-sourcing is necessary because there is only one source, and that makes it difficult.

As to the honourable senator's offhanded comment about "Taj Mahals," basic Challengers were ordered, and nothing has been added to them. They are to replace two Challengers currently in service, which will be sold. Those revenues will supplement the purchase price of the new Challengers. The only essential difference between the new and the old Challengers is that the new ones have greater capacity for distance travel and greater ability to land at smaller airports across this country.

[Translation]

ORDERS OF THE DAY

CRIMINAL LAW AMENDMENT BILL, 2001

MESSAGE FROM COMMONS—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of Honourable Senator Carstairs, P.C., moved, seconded by the Honourable Senator Robichaud, P.C.,

That the Senate do not insist on its amendment numbered 1(a) to Bill C-15A, to amend the Criminal Code and to amend other Acts to which the House of Commons has disagreed; and

That a message be sent to the House of Commons to acquaint that House accordingly.

Hon. Pierre Claude Nolin: Honourable senators, there are many aspects to Bill C-15A. We must focus our debate on one particular aspect of this bill, child pornography. The debate is a highly emotional one. Two fundamental values are at odds: on the one hand, the protection of children and, on the other, freedom of expression.

We can say without a shadow of a doubt that protecting children against abusers and users of child pornography must be a priority for all Canadian parliamentarians. For this reason, I support the part of Bill C-15A having to do with child pornography.

• (1440)

We have received a message from the other place containing the following words:

That a Message be sent to the Senate to acquaint Their Honours that this House disagrees with the amendment numbered 1(a) made by the Senate to Bill C-15A, to amend the Criminal Code and to amend other Acts...

The important part follows:

...because the amendment could exempt offenders from criminal liability even in cases where they knowingly transmit or make available child pornography.

What was this amendment 1(a)? It is important to remind honourable senators, so that there will be a proper understanding of where we are at in the debate.

Amendment 1(a) relates to clause 5(2) of Bill C-15A and concerns an amendment to the Criminal Code, section 163.1(3). Never mind the figures, though, let us concentrate on the text. The text proposed by the government in Bill C-15A reads as follows:

Every person who transmits, makes available, distributes, sells, imports, exports or possesses for the purposes of transmission, making available, distribution, sale or exportation any child pornography is guilty of...

The rest of the text sets out the penalties for this criminal act.

We are therefore being asked to create a new type of offence of the type "every person who." The amendment accepted by the Standing Senate Committee on Legal and Constitutional Affairs read as follows:

(3.1) A custodian of a computer system who merely provides the means or facilities of telecommunication used by another person to commit an offence under subsection 163.1 (3) does not commit an offence.

You will, I think, understand even without having been taken part in the committee's proceedings, that the problem lies with the word "transmits." An Internet service provider obviously transmits. Its facilities are used for transmission purposes. It lends, leases them to others who transmit information via this network.

The purpose of the amendment was to ensure that Canadian merchants who, in the ordinary course of their business, provide data communication services, would not be held criminally responsible. These Internet service providers very legitimately made representations on the wording of the clause in question. While they expressed their support for the objective pursued by the government, they asked to be protected. It is fair and reasonable that we should spend our time and efforts to ensure that an act truly achieves its objective.

If we remember the speeches in this chamber and the evidence given by the then Minister of Justice, we see that the government's only objectives are to track down and bring to justice the criminals who use, make and produce child pornography, and who use the Internet to transmit it.

The message received from the other place is disturbing. Throughout our debates, whether in committee or here in this house, there was never any suggestion to allow offenders to avoid facing their criminal responsibility. If someone in this house can convince me that this is what we tried to do, I will apologize and sit down.

If you read our texts and debates, you will see that we never wanted to allow any offender to avoid facing criminal responsibility. On the contrary, we wanted to ensure that the real offenders are tracked down and found guilty, and we wanted to avoid including in that category people who act in good faith and who merely provide a legitimate service.

[Senator Carstairs]

Honourable senators, I realize that this does not specifically relate to the message received from the Commons, but in order to understand it, you must read the debates of the other place. You will be stunned to see the confusion there. We are all against child pornography, but when passion prevails over reason in a debate, we lose sight of the fundamental issue. Fighting child pornography must always be a priority of ours. We must do so in the respect of our values. If you read the *House of Commons Debates*, you will see that the members of the other place first targeted the courts because, in a ruling issued in 2001, the Supreme Court developed around a section of the Criminal Code the articulation of two defences that are already included in the Code. The fact that the other place took note of that did not help clarify things.

The Court of Appeal of British Columbia brought down another ruling with the same parties in March. I must admit, it did not help improve anything when it comes to understanding the debate. The fact remains that we are adults and we are able to take things into consideration. The Supreme Court brought down a judgment and articulated the defences set out in the Criminal Code. I do not wish to enter into this debate today, and I shall tell you why later. In the other place, the debate was completely disjointed and had nothing to do with the reality of Bill C-15A. It was a series of speeches strung together in opposition to the courts, or in opposition to our chamber. As though we were completely lost, out of touch with everyday reality and promoting the commission of criminal acts. No one in this chamber supports this theory. Quite the opposite, we want to do effective and reasonable work.

• (1450)

This confusion must be eliminated. There is no question that the courts gave a broad interpretation to these two means of defence set out in the Criminal Code since 1993. Should we — this is certainly a decision that we will have to make — limit the application of these two means of defence in the Criminal Code? These are not new defences. The courts have based their judgments on the two defences set out in the Criminal Code, and they have interpreted them very broadly. It has to do with the notion of the artistic value of a literary or graphic representation. Should we limit these two defences? I believe we should. This is not the subject of today's debate.

Before we discuss and approve Bill C-15A, it is important to ensure that we have covered all of the issues, and resolve and wrap up all of the unfinished business and unanswered questions raised by the debate surrounding consideration of Bill C-15A. It is my contention that there remains one problem that has not been resolved. It is not by kowtowing to the other place, especially after having heard and read the debate that took place there, that we are going to resolve this problem.

An honest Internet service provider in Canada could be charged with the offence I read you earlier. That is certainly not what we want! If an Internet service provider is part of a conspiracy to transmit child pornography, he does not meet the criterion in the amendment. We have all the means in the world in the Criminal Code to make sure that he is found guilty.

Will the burden of proof on the Crown attorney at this trial be more onerous? Yes, it certainly will. This is also part and parcel of the fundamental values in which we believe. We think that the Crown must provide satisfactory legal proof of each of the elements of the crime with which the accused is charged. I would

not want to see an honest Internet service provider sentenced — and I am sure you would agree — because it is unwittingly transmitting child pornography.

Honourable senators, I have a suggestion. We could refer this message to the Standing Committee on Legal and Constitutional Affairs. We must wrap up all the loose ends on this debate. I would respectfully submit that we have not yet done so. We are not in a corner, but we are looking at two options. Do we want to rush to wrap up this debate and persuade ourselves that we have done a good job, knowing that we have left an issue unresolved? We are wrapping up debate today. We are saying that Bill C-15A is good. In fact, many parts of this bill are good. They must be quickly implemented, but one issue remains.

The Hon. the Speaker: Honourable senators, Senator Nolin's time is up.

Senator Nolin: I request an additional two minutes.

Hon. Fernand Robichaud (Deputy Leader of the Government): Agreed, so that he may conclude his remarks.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Senator Nolin: The other option is to quickly tie up the loose ends of the bill as it stands, by accepting the message from the other place. Otherwise, we have to decide to do our duty and to once again refer the bill to the Legal and Constitutional Affairs Committee. Its members will certainly have had the time to reflect a little further, with everything that they have heard since passing the amendment in question. Debate can be resumed on this amendment alone, in an attempt to restore clarity to all the confusion that surrounded the debate in the other place on Bill C-15A, and then the bill can be reported to the Senate. This can be done very quickly.

On motion of Senator Andreychuk, debate adjourned.

The Senate adjourned at leisure.

• (1510)

ROYAL ASSENT

The Honourable Louis LeBel, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy Governor General, having come and being seated at the foot of the Throne, and the House of Commons having been summoned, and being come with their Acting Speaker, the Honourable the Deputy Governor General was pleased to give the Royal Assent to the following bills:

An Act respecting the water resources of Nunavut and the Nunavut Surface Rights Tribunal and to make consequential amendments to other Acts (*Bill C-33, Chapter 10/2002*)

An Act to provide for the recognition of the Canadian Horse as the National horse of Canada (*Bill S-22, Chapter 11/2002*)

An Act to amend the Foreign Missions and International Organizations Act (*Bill C-35, Chapter 12/2002*).

The House of Commons withdrew.

The Honourable the Deputy Governor General was pleased to retire.

The sitting of the Senate was resumed.

[English]

FOOD AND DRUGS ACT

BILL TO AMEND—THIRD READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Cook, for the third reading of Bill S-18, to amend the Food and Drugs Act (clean drinking water).—(*Honourable Senator Sibbeston*).

Hon. Tommy Banks: Honourable senators, with the concurrence of Senator Sibbeston, I wish to speak to Bill S-18.

Honourable senators, in 1950, I discovered Lucky Strike cigarettes. Their motto, coming out at the end of the war, was a Morse code that said "LSMFT, LSMFT," which meant Lucky Strike Means Fine Tobacco. It did and still does. It is a careful blend of the finest Turkish and Virginian tobaccos, cured in a process that involves southern molasses. To smokers, the result is ambrosia. When I go to the United States, I still try to find packages of plain Lucky Strike cigarettes just to smell them, because it is a transport of aromatic delight.

One day, in about 1970, I went to my local pusher for my supply. He told me that not only did he not have any Lucky Strike cigarettes that day but that he would never again have any Lucky Strike cigarettes because the Government of Canada had determined that, in some sense, we ingest cigarettes. It was then the policy of the Government of Canada that those things which we, in some sense, ingest ought to be subject to a degree of control and scrutiny on the part of the public interest by the Government of Canada. That was the end of LSMFT for me.

The Government of Canada went to the Liggett Tobacco Company and said, "You have to tell us what is in that formula and how you produce these cigarettes." The Liggett Tobacco Company said, "Are you kidding? We have not told the State of Virginia how we make the cigarettes in 100 years, and we will certainly not tell you." The Government of Canada said, "Well, if you will not tell us what you do to make these wonderful cigarettes, then you cannot bring them into Canada." The Liggett Tobacco Company said, "Okay, goodbye," and that was the end of Lucky Strikes in Canada.

It happens, despite the great inconvenience to my tastes, that I am in favour of the idea that the Government of Canada should, in the public interest and in the interests of the public health, oversee and provide scrutiny and some national regulations and standards to those things that we, in some sense, ingest. We regulate bubble gum. We regulate Coca-Cola. We regulate Sweet Marie candy bars and bread and milk and beef, but we do not regulate water that comes out of the end of the taps in our kitchens.

What is the difference between water and all the other things that we, in some sense, ingest and are on those lists of things that are subject to scrutiny? One difference is that we could get away without bubble gum and without Sweet Marie bars, and we could even survive without bread and milk and meat. It would be an inconvenience, but we could do it. However, we cannot survive without water. It is the one thing that is a pre-condition of life, not just for all Canadians but for every living thing on this planet.

Canadians have come to reasonably expect and it has come to be regarded as a right that when we buy something to, in some sense ingest — and whether we pay a public enterprise or a private one to deliver it to our homes is beside the point — that there is nothing in it that is likely to make us very ill or, God forbid, kill us. One reason for that is the unassailable moral rectitude of every person involved in the chain of production of that ingestible thing, right down to the point that we pay for it and use it.

Behind that elegant concept of civic duty, surely, is the fact that there are consequences of failing to ensure the relative safety or the public health of Canadians. Those consequences come in a number of forms. Municipal by-laws and provincial laws provide consequences, but the most important standards are national standards, which obtain whether someone contributes to the production and sale of that food item in Corner Brook, Victoria or Inuvik. It does no good to move a plant to the next province, which might have slightly less stringent regulations, because those national standards will follow the plant. The national consequences of failing to ensure, to the extent that it is reasonably possible, the health of Canadians will follow a company and cannot be escaped.

It is an absurd dichotomy that everything we can ingest is on that list, and the one thing without which we cannot live and the one thing that Canadians are most proud of having — clean water coming out of the end of our taps, at a price — is not on that list. We can fix that absurd dichotomy by supporting this bill, which redresses that problem in an elegant, simple and straightforward way. The bill acknowledges that we ingest water, that water ought to be subject to national standards, and that the failure to deliver a safe product to Canadians ought to be susceptible to national sanctions and national consequences. That, honourable senators, is why I shall vote for this bill. In addition, when we pass it here — as I sincerely hope we shall — I shall work hard to ensure that it is passed in the other place.

• (1520)

This bill ought to be judged and we ought to vote on it based on its merits and its merits alone, on its intent and on its content, and not because it will intrude into somebody else's bailiwick and not because people in some other places do not like good, substantive, simple, straightforward bills that actually do something to come from this place.

I urge all honourable senators to do the same. If you hear objections from people who would rather we did not trespass on their bailiwick — tough. We should regulate water exactly the same way we regulate bubble gum and beef and Lucky Strike cigarettes.

Hon. Senators: Hear, hear!

The Hon. the Speaker *pro tempore*: Does the honourable Senator Andreychuk have a question?

Hon. A. Raynell Andreychuk: I do, if Senator Banks will accept it.

Senator Banks: I would be pleased to accept a question from the honourable senator.

Senator Andreychuk: Thank you for your impassioned speech about water being a prerequisite to life itself. Can I interpret this to mean that you believe there is a right to clean water and sanitation; and if so, what is your opinion on the fact that Canada, at the recent meetings of the Human Rights Commission, voted against a resolution that would have deemed clean water and sanitation a right?

Senator Banks: Honourable senators, as I am unfamiliar with the meeting to which the honourable senator refers, I cannot comment on it.

I wish to make clear to honourable senators what I am talking about. When I pay someone, or when any Canadian pays someone, to deliver, whether across a counter or out of the end of a pipe, an ingestible product, that product ought to be subject to national standards and to national consequences for failing to meet those standards, not on the part of people who might afterwards process it, but on the part of the people who are responsible for delivering it to me out of the package, from the grocer's shelf or out of the end of a pipe. I am talking about standards that ought to apply to the people who purvey water, whether they are public or private enterprises, and we have both in Canada.

Senator Andreychuk: Part of the dilemma is the shortage of water and the use by one jurisdiction of water that may preclude water elsewhere. Would you include that regulation also?

Senator Banks: No. That regulation would fall under other legislation entirely.

Hon. Nicholas W. Taylor: I also wish to address a question to the honourable senator.

The Honourable Senator Banks introduces something new to the bill. We have debated in the past about the quality of food ingested. Those who oppose the proposed legislation, in particular provincial governments — and as you know, I was chairman of a committee that considered this matter — placed a great deal of emphasis on the fact that water is in the environment and therefore is provincial and not federal.

Senator Banks speaks of ingestion. That is interesting. Does the honourable senator have any other examples of something that is environmental but becomes, when ingested, subject to the federal act?

Senator Banks: Every food, of any description of which I am aware, falls under the purview of this act and is subject, in some degree or other, to control, scrutiny and sanctions, as a consequence of failing to measure up to some standard. I do not believe that there is a food, whether it is packaged or has come directly to a grocery store from a market garden, that is not subject to a degree of scrutiny and control under this act. I believe that to be true. My examination of the question has not shown me any foodstuff that one can imagine — Smarties, packaged ice — that is not, to some degree, subject to national standards and penalties for failure to meet those standards. If there is any, I should be interested to know of it.

Senator Taylor: Does the honourable senator know of any jurisdiction in Canada where the Food and Drugs Act is either relaxed or more strictly enforced when the action is taking place within a province, or is it the same in all 10 provinces? Does Food and Drugs Act go up and down within the provinces?

Senator Banks: I cannot speak to the efficacy of the enforcement mechanisms that exist from province to province, but there is nothing in the Food and Drugs Act that contemplates a relaxation, or a different application of its regulations, in any province or territory of Canada.

The Hon. the Speaker *pro tempore*: It is understood, honourable senators, that this order will stand in the name of Senator Sibbeston.

BILL TO REMOVE CERTAIN DOUBTS REGARDING THE MEANING OF MARRIAGE

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cools, seconded by the Honourable Senator Wiebe, for the second reading of Bill S-9, to remove certain doubts regarding the meaning of marriage.—(*Honourable Senator Jaffer*).

Hon. Gerry St. Germain: Honourable senators, I am pleased to rise in my place today to speak to Bill S-9.

In this place, Bill S-9 has generated interesting and informative comments on both sides of the debate. The proponents of Bill S-9 set out to define the meaning of the term "marriage." The opponents of Bill S-9 feel there is no need for such a bill, since the meaning of marriage is well established in society.

However, is the term "marriage" and its meaning in our laws well understood? Having gained several changes to the federal and provincial laws to equalize the economic and social consequences associated with all forms of personal relationships, the gay community has challenged the courts with the claim that their individual rights are infringed because only heterosexual couples can enter into marriage. In the courts, the petitioners want legal recognition without distinction from opposite sex marriages. They claim this can be achieved by changing the legal definition of marriage. However, by changing the meaning, marriage will be made into something it is not, just to accommodate and embrace other relationships.

Marriage is not defined by federal statute, but there are two acts that touch on the substance of the relationship: the Marriage Act and the Modernization of Benefits and Obligations Act.

In the absence of a statutory definition, marriage is a legal construct or relationship defined by common law. Bill S-9 seeks to define in statute law and remove the doubts over the meaning of marriage. Bill S-9 does not seek to change the meaning of marriage.

In examining marriage, we must keep in mind that, while a language does evolve and new words are added to it, we alone cannot unilaterally redefine a word that has a clear meaning and a history known to the rest of the world.

Lewis Carroll, in his book *Through the Looking Glass*, makes a valid philosophical pronouncement on the meaning and definition of words. He writes:

When I use a word, it means just what I choose it to mean — neither more nor less.

However, can one make words mean so many different things?

• (1530)

In his comments on Bill S-9, Senator Banks suggested:

We must find, sooner or later, a word or a term to properly describe the union between a man and a man or between a woman and a woman....That word is not...‘marriage.’

I am inclined, honourable senators, to agree with Senator Banks’ position.

Christianity views the meaning of marriage as a solemn union freely, publicly and legally entered into between a man and a woman. Marriage is a unique way of life, of benefit to couples, future children and society. It is universally accepted that marriage is an institution that legitimises this union that is open to children and willing to accept the responsibility of educating them.

The issue of defining marriage or re-interpreting the concept of marriage in common law was brought before the Supreme Court of British Columbia and is presently before the Ontario bench. In British Columbia, the Honourable Mr. Justice Ian Pitfield ruled on the petition, saying:

Under Canadian law, marriage is a legal relationship between two persons of opposite sex. The legal relationship does not extend to same-sex couples.

Parliament may not enact legislation to change the legal meaning of marriage to include same-sex unions.

Under section 91 (26) of the *Constitution Act, 1867*, Parliament was given exclusive legislative jurisdiction over marriage, a specific kind of legal relationship.

By attempting to change the legal nature of marriage, Parliament would be self-defining a legislative power conferred upon it by the Constitution rather than enacting legislation pursuant to the power.

Alternatively, Parliament would be attempting to enact legislation in respect of civil rights exclusively within the legislative authority of the province.

‘Marriage,’ as a federal head of power with legal meaning at Confederation, is not amenable to Charter scrutiny either. One part of Constitution may not be used to amend another.

In *Egan v. Canada*, the importance of marriage as a social institution was characterized as follows:

Marriage has from time immemorial been firmly grounded in our legal tradition, one that is itself a reflection of longstanding philosophical and religious traditions.

But its ultimate *raison d’être* transcends all of these and is firmly anchored in the biological and social realities that heterosexual couples have the unique ability to procreate, that most children are the product of these relationships, and that they are generally cared for and nurtured by those who live in that relationship. In this sense, marriage is by nature heterosexual.

It would be possible to legally define marriage to include homosexual couples, but this would not change the biological and social realities that underlie the traditional marriage.

Honourable senators, in constructing a definition of marriage, we would be remiss to solely examine the common law when there is also a wide body of knowledge in the area of natural law and canon law.

In the *Code of Canon Law, a Text and Commentary*, canon 1057(1) states:

Marriage is brought about through the consent of the parties, legitimately manifested between persons who are capable according to law of giving consent; no human power can replace this consent.

As well, canon 1057(2) says:

Matrimonial consent is an act of the will by which a man and a woman, through an irrevocable covenant, mutually give and accept each other in order to establish marriage.

The Roman law tradition held that consent alone made marriage, while the Germanic tradition held that sexual consummation was necessary for a true marriage.

A lengthy debate ensued, but was settled in 1181 by Alexander III, who stated that while consent alone made marriage, subsequent consummation added the element of absolute indissolubility to the covenant. The covenant between the spouses exists for the specific purpose of creating and sustaining the marital community.

Although the right to marriage is one of the most fundamental human rights, it is not absolute. Potential spouses are subject to civil and canonical requirements, which have been justly enacted for their good, the good of possible children, and the good of community. In short, the basic requirements of law envision

spouses capable not only of a wedding ceremony, but also of a marital relationship.

In both civil and canon law, certain prohibitions or impediments have been enacted in view of the effect a prohibited marriage would have on the spouses, the children and the community. These are not an unjust denial of individual freedom, but a limitation placed on the right to marry for the good of all concerned. Throughout history, both secular society and the Church have recognized not only a right but also an obligation to provide either customary or legal structures which, in certain instances, restrict the exercise of the right to marry. These restrictions respond, in the first place, to the natural law requirements for a true marital community. In addition, certain restrictions have been enacted in response to particularly critical problems experienced by the Church with respect to marriage, for example, clandestine marriages, arranged marriages and incestuous marriages.

The canon states a broad principle of freedom. All persons not prohibited by divine or ecclesiastical law are free to enter a marriage covenant. The gay community has embarked on a journey to compel Parliament to redefine marriage. We have heard from the courts, but what has Parliament said lately on the subject?

Members in the House of Commons affirmed on June 9, 1999, by a vote of 216 to 55:

That, in the opinion of this house, it is necessary, in light of public debate around recent court decisions, to state that marriage is and should remain the union of one man and one woman to the exclusion of all others, and that Parliament will take all necessary steps within the jurisdiction of the Parliament of Canada to preserve this definition of marriage in Canada.

The Senate continues to support this position with Bill S-9.

Parliament alone must resolve this matter. We must provide a definition that is clear and universally understood.

Let us conclude the second reading debate and refer Bill S-9 to the appropriate committee for further study as soon as possible.

I believe this bill should be adjourned in the name of Senator Jaffer.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Would Senator St. Germain accept a question?

Senator St. Germain: Yes.

Senator Kinsella: In his remarks, the honourable senator made reference, on a few occasions, to a code of canon law. Could he tell us which edition of the code of canon law he is referring to?

Senator St. Germain: I believe the honourable senator would have the reference, however I can provide it. It is pages 740 to 743.

Senator Kinsella: I was curious whether it was the code of canon law revised about a decade ago. The honourable senator also made reference to a date in the 12th century. There were also several references to natural law. Is that the pre-Grotian version of the code of canon law?

Senator St. Germain: While Senator Kinsella was busy establishing himself as an academic and an understudy of natural law, I was out there making certain the business community continued to thrive as it should. I do not profess to be an expert on this, as the honourable senator categorizes himself, but I, as a layman, and as someone who has studied this subject in a cursory manner, think that I would defer to him, who I have deferred to in the past, to possibly explain to the Senate further, if he so desires.

• (1540)

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, on what fundamental principle or value do you base your argument? Since 1982 — or 1974 in the case of Quebec — we have had freedom of conscience and religion. You made a long speech. You referred to the Bible. This only concerns a certain number of Canadians. Under what fundamental value can you say that you are right and that those who do not agree with you are wrong because they do not share your Judeo-Christian values?

For a few months now, same-sex marriages have been allowed in Quebec. There was no debate and this change went through without a hitch.

[English]

Senator St. Germain: Honourable senators, when I speak in the Senate, I speak about my values. I am not speaking about those of Quebec or what Quebecers feel is right in the province of Quebec. These are my values, which are based on my beliefs. As the honourable senator has said, he is a Roman Catholic; as such, that is the basis for his beliefs.

What we are talking about here is the definition of the word “marriage.” This is the argument. It is on that basis that I stand to defend “marriage” as being between members of the opposite sex.

[Translation]

Senator Nolin: Honourable senators, did you consider the possibility that someone might argue that our legislative definition goes against a constitutional value? Should this be the case, all our legislative efforts would be useless. Did you consider this possibility?

[English]

Hon. Anne C. Cools: Honourable senators, Senator St. Germain described very eloquently how the first, in what will be a series of court judgments, has essentially outlined the state of the law. Senator St. Germain told us that Mr. Justice Pitfield upheld marriage and based his ruling on the fact that marriage, in the British North America Act, 1867, section 91.26, is a head of power. I would invite all senators to read that judgment.

My question to Senator St. Germain is about an opinion that I have been reading of a famous homosexual activist from British Columbia. I am reading here from a publication called *Xtra West*, and the individual is the managing editor, whose name is Gareth Kirby. Mr. Kirby, in a September 6, 2001, article titled, "No, no, no, to marriage rights," is obviously speaking to organizations like Egale and others, when he clearly states:

The lawyers and politicians in our community have run amuck on this one. They need reining in. I, for one, will not donate a single penny to any fight for marriage recognition.

Senator Stratton: Question.

The Hon. the Speaker pro tempore: Senator Cools, I am sorry to interrupt, but Senator St. Germain's time is up.

Does the honourable senator wish to ask for leave to continue?

Senator St. Germain: I will just try to answer this one question.

The Hon. the Speaker pro tempore: Honourable senators, is leave granted?

Senator LaPierre: No.

The Hon. the Speaker pro tempore: Honourable senators, leave is not granted.

Senator Cools: Ask for leave one time; I will fix you!

Senator LaPierre: Don't threaten me. You will be in great trouble if you do.

The Hon. the Speaker pro tempore: Honourable senators, this debate will stand in the name of the Honourable Senator Jaffer.

NATIONAL SECURITY AND DEFENCE

BUDGET—STUDY ON NATIONAL SECURITY POLICY— REPORT OF COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on National Security and Defence (budget 2002-2003), tabled in the Senate on April 25, 2002.—(*Honourable Senator Kenny*).

Hon. Tommy Banks: Honourable senators, I move the adoption of this report.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I move the adjournment of this debate on the basis that either the chairman or the deputy chairman should be here to answer budget questions.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

On motion of Senator Lynch-Staunton, debate adjourned.

ABORIGINAL PEOPLES

BUDGET—STUDY ON ISSUES AFFECTING URBAN ABORIGINAL YOUTH—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Aboriginal Peoples (budget 2002-2003), tabled in the Senate on April 25, 2002.—(*Honourable Senator Chalifoux*).

Hon. Thelma J. Chalifoux: I move the adoption of this report.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, may I ask the chair of the committee how much the committee requested? We know from the report how much is being recommended. Did the committee receive 100 per cent of its budget? If not, what percentage did the committee receive?

Senator Chalifoux: We received approximately 40 per cent. We asked for \$390,000; we got \$186,000.

Senator Kinsella: That is helpful to know. In order that all committees are treated fairly, we now have a standard of 40 per cent.

Will this amount of money cover all the anticipated work of the committee until the end of this fiscal year?

Senator Chalifoux: No, it will not, but we are looking at revisiting all of our priorities. The amount will not cover all of our projected activities.

Senator Kinsella: Therefore, what we are being asked to approve is not a budget. We do not know the amount of the budget. Could the honourable senator provide a ballpark figure of what the budget will be for the committee within this fiscal year? Will this amount represent 50 per cent of the budget that the committee will actually be requesting? Is it the honourable senator's understanding that the total amount of money being sought by the committee will be within the total amount of money in the budget that the government has approved?

Senator Chalifoux: I thank the honourable senator for the question. We have determined in our committee that we will do the work we can within the budget that we have. This is where it will happen.

• (1550)

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

[Translation]

ILLEGAL DRUGS

BUDGET—REPORT OF SPECIAL COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Special Committee of the Senate on Illegal Drugs (budget 2002-2003), tabled in the Senate on April 25, 2002.—(*Honourable Senator Nolin*).

Hon. Pierre Claude Nolin: Honourable senators, I move the adoption of the fourth report of the Special Senate Committee on Illegal Drugs.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I would like to ask Senator Nolin the same questions asked of Senator Chalifoux, whether the committee he chairs received the full amount it requested from the Standing Senate Committee on Internal Economy, Budgets and Administration, as well as the percentage of this budget that it did receive.

Senator Nolin: Honourable senators, the answer to your question is no. The amount that we requested was cut by 47 per cent. Following a discussion with the members of the Standing Senate Committee on Internal Economy, Budgets and Administration, we accepted this reduction.

There is no question that the committee will not be able to visit as many Canadian communities as it had intended to visit to undertake an intelligent debate with Canadians on the committee's findings.

However, we will use other means at our disposal, such as videoconferencing. It will be less personalized, since we will not have the same type of interaction with as many Canadians as we would have wanted. We will be able to visit six Canadian communities, across the country. For the other communities, we plan on using video conferencing. We are therefore satisfied with the budget we were granted.

Senator Robichaud: Honourable senators, if I understand correctly, the committee will stay within to the amount granted for the current fiscal year in doing its work.

Senator Nolin: Correct. The mandate given to the committee expires at the end of August, at which time we will table our report. This budget covers the five-month period from April 2002 to the end of August 2002.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

[English]

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the twelfth report of the Standing Senate Committee on Energy, the Environment and Natural Resources (budget 2002-2003), tabled in the Senate on April 25, 2002.—(*Honourable Senator Taylor*).

Hon. Nicholas W. Taylor: Honourable senators, I move the adoption of the report.

Hon. Terry Stratton: Honourable senators, I should like to address a question to the chair of the committee. Again, as has been echoed twice previously, what percentage of the total request for your budget did you achieve?

Senator Taylor: We achieved about 60 per cent, although I was under the impression that come fall, in case we had anything new, we might be able to apply for a supplement, but it is not in our present budget. As a matter of fact, they cut back our budget to visit the West Coast. This week we will be video conferencing.

Senator Stratton: Senator Nolin's report has to be finished by the end of August. The honourable senator's committee achieved 60 per cent of its budget and Senator Chalifoux's committee achieved 40 per cent of its budget. Has that ever been explained to you at all?

Senator Taylor: I do not know whether it has been explained. As the honourable senator probably knows, we have three pieces of legislation. I think we have more legislation to consider than the other committees. Also, we are finishing the Nuclear Fuel Waste Act and the Endangered Species Act legislation may be referred to the Energy Committee, so it looks like we will be a busy committee. We also have to finish an energy report. Of course, the things that take precedence are the bills referred to the committee by the house. We will have three and possibly four, so that may account for keeping us out a little more.

Senator Stratton: Honourable senators, Senator Chalifoux has stated that her committee will adopt its work according to the budget it has achieved. Is the honourable senator's committee prepared to do the same?

Senator Taylor: I do not think there is much choice. We have to adapt to what is there. There is always the possibility, as I observed in the Senate I believe last year, of going for supplementary estimates, although we did not need them. It is hard to say how much the committee will spend, but as it now stands, we certainly intend to spend every dollar we get and hopefully that will cover everything.

Senator Stratton: It would be nice to not spend every dollar.

Senator Taylor: If there are alternatives to that, I would appreciate being so informed.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

STUDY ON EFFECTIVENESS OF PRESENT EQUALIZATION POLICY

REPORT OF NATIONAL FINANCE COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Keon, for the adoption of the fourteenth report of the Standing Senate Committee on National Finance entitled: *The Effectiveness of and Possible Improvements to the Present Equalization Policy*, tabled in the Senate on March 21, 2002.—(Honourable Senator Rompkey, P.C.).

Hon. Bill Rompkey: Honourable senators, I wish to congratulate Senator Murray and the committee on an excellent report and also to indicate that Senator Cools, who is not here, was the deputy chair of that committee, and my colleague Senator Furey served on that committee as well. I want to talk about the recommendations with particular reference to my own province.

The committee recommended that the equalization ceiling be abolished and no longer form part of the equalization calculation. The federal government's justification for the imposition of the ceiling, which has been in place since 1982, is that it restricts the rate of increase in federal expenditures. The committee clearly demonstrates that this is not a sound argument. The reality is that federal revenues since 1982 have grown more rapidly than the entitlement of the provinces to equalization. In the most recent year, 2000-01, for which we have figures, federal revenues were nearly three times as great as they were in 1982-83. Provincial entitlements, by contrast, were only 2.6 times as large as in the base year.

The committee's recommendation is soundly based and will make the equalization program better serve the purposes for which it was set up by helping the provinces to provide reasonably comparable services to citizens at reasonably comparable levels of taxation. I support it and I urge the government to do so as well.

The committee recommended that the floor provisions in the program be continued. These protect the provinces from sharp reductions in entitlements year after year. The floor provision, in layman's terms, prevents fiscal surprises to a province. That is valid and worthy policy goal and I support it.

• (1600)

The concept of equalization is simple, although the calculations are technical. The key calculation is the standard fiscal capacity for the 10 provinces. To use laymen's terms again, how much would a province raise by the taxes it levies on its citizens using the standard rate? The difference between this amount and the amount actually received at the standard rate of taxation is the amount received as equalization. The national standard is currently determined on a five-province basis because Alberta and the four Atlantic provinces are excluded. The calculation takes into account British Columbia, Saskatchewan, Manitoba, Ontario and Quebec. The equalization-receiving provinces — all but the three wealthiest — argue that this is unfair. They claim that a five-province standard means that their revenues are not brought up to a truly national level, which is the constitutional promise. They say that the only fair and just measure is a 10-province standard. The committee recommends that the 10-province standard be accepted, and I endorse this recommendation.

The committee acknowledges that there will be a cost to the Government of Canada, but I make the point that every province, except Ontario and Alberta, will benefit. The honourable senators who sat on the committee also concluded that a five-province standard does not fulfil the intent of the program, which is to provide adequate funding to allow provinces to provide comparable services to their residents. Stability in the level of equalization payments is desirable, but it should not come at the expense of adequacy and the level of payments.

Honourable senators, this is an important recommendation. The committee tells us that the use of the five-province standard instead of the 10-province measurement has translated into reduced services for some Canadians. To put the point bluntly, a failure to adopt the 10-province standard will mean that Canadians who live in some of the less affluent provinces will not receive the same level of health care, education or other public services as do their fellow Canadians who are fortunate enough to live in wealthier provinces.

There are two recommendations of the committee, numbers seven and eight, that most directly concern Newfoundland and Labrador and address the generic solution and the Atlantic accord. These are special arrangements that had been developed because of the unique situation in a number of provinces. The generic solution addresses problems that arise when one province has a preponderant share of the revenue gleaned by a provincial government from a particular natural resource. The overall formula cannot cope with this. In effect, the tax rate of that province distorts the national tax yield for that resource. The result is to penalize the province that owns the resource. The economic consequence would be such that the province would be just as well off, perhaps better off, if it levied no taxes or royalties at all on these resource developments.

The generic solution applies to every province, and from time to time Saskatchewan, Quebec, Newfoundland and Nova Scotia have come under it. Briefly put, it allows a province to receive a portion of the income it gleans from the resource, whether that income is a royalty or a tax, without suffering a reduction in the equalization entitlement. The penalty is a form of clawback.

The present arrangement was put in place by Parliament in 1994 at the request of the Prime Minister and the Minister of Finance. It was a significant improvement. Before then, the province was obliged to include 100 per cent of its revenue from specific resources in the equalization entitlement, whereas now only 70 per cent is included. In other words, 30 per cent is exempt from the clawback provisions.

The offshore oil and gas revenues being earned by Newfoundland and Labrador and Nova Scotia fall within this arrangement. The committee recommends that the generic solution be changed to allow the province to retain a greater portion of the revenue without suffering a reduction in its equalization entitlement. The committee's recommendation does not specify a percentage. The recommendation goes to the heart of the issue, and I urge its support.

Newfoundland and Labrador and Nova Scotia are two of the poorest provinces measured in terms of their fiscal capacity. They do, however, have significant oil and gas resources off shore. The equalization formula is a powerful deterrent to their full and proper development because the provinces derive remarkably little revenue from them. Even with the generic solution, they lose 70 per cent in equalization for each dollar they receive in revenue. This is a classic case of penalizing a province because it is poor.

The generic solution should be amended as the committee recommends. My suggestion is that the province should be allowed to keep at least 70 per cent of the revenue it earns from the development of the resources that it protects. Some will argue that this is akin to a person on welfare seeking to exempt a windfall such as a lottery prize. However, far from being the case of a welfare recipient wanting to spend his lottery winnings, this is the case of someone working to earn income to better himself and his family having to pay a tax of 100 per cent on his earnings. The development of these resources is in the interests of every Canadian, not just the people of the province concerned. The generic solution is not the perfect answer, but it is the best answer that we have been able to put in place thus far.

Honourable senators, the change to the generic solution will cost the Government of Canada money, but let us remember that the Canadian tax regime and the constitutional division of fiscal responsibility between the Parliament of Canada and the provincial legislatures gives the federal government between 80 per cent and 90 per cent of each dollar taken by governments collectively from a resource development. If one divides into two piles each dollar earned by both levels of government from Hibernia or Terra Nova or White Rose, the federal pile will have 85 cents and the provincial pile will have 15 cents. That is why the generic solution must be changed.

The committee also recommends that the federal government review the equalization provisions of the Atlantic accords. The committee questions whether these provisions have fully met the intent for which they were designed. They obviously have not. The accord came into being because the Supreme Court decided that offshore resources belonged to the Government of Canada and not to the provinces. However, honourable senators will

remember that onshore resources in Alberta, Saskatchewan and Manitoba originally belonged to the Government of Canada, as well. The Parliament of Canada gave these resources to the provinces in the 1930s, and there is no reason in principle or in logic or in policy not to treat offshore resources on the same basis.

The two Atlantic accords — one with Nova Scotia and one with Newfoundland and Labrador — are an attempt to remedy this inequity. They exempted a portion of the revenues earned by the provinces from their offshore oil and gas resources from the equalization clawback. The problem was that they did so on a declining scale. The Nova Scotia exemptions ran for only 10 years and those of Newfoundland and Labrador for only 12 years. That demonstrates the unreasonable nature of the arrangement. The exemptions should not decrease from year to year; they should last as long as the offshore resources last. These resources are finite, and they will be fully harvested within a period of 15 or 20 years. Nova Scotia and Newfoundland and Labrador are entitled to reap the full benefits from them without any impact on their equalization entitlements.

Statistics, it is often said, can be the tools of the devil, but facts are facts. Allow me to give honourable senators two such statistics that put the fiscal position of the Government of Newfoundland and Labrador fairly and fully.

I will speak first to the "tax effort," a phrase used by economists to describe the tax burden that a provincial government places upon its citizens. Newfoundland and Labrador's tax effort for the fiscal year just concluded is 112 per cent. The national average is 100 per cent. Thus, it can be readily seen that the citizens of my province are paying more than their fair share of taxes compared to the average Canadian. The circumstance that, per capita, incomes in Newfoundland and Labrador are substantially lower than that of any other province, increases the burden. People in my province are doing their best to pay their way.

The second set of statistics relates equalization payments to the province's own source revenues. This is a fair comparison among the seven equalization-receiving provinces. Newfoundland and Labrador's equalization entitlements last year, 2001-02, were 57 per cent of the province's own revenues from all sources, including natural resource revenues. That is the highest proportion of any of the seven provinces. Further, and this is the telling and significant figure, equalization payments as a proportion of Newfoundland and Labrador's own source of revenue have increased steadily over the eight or nine years.

• (1610)

The committee's report shows us that equalization was 46.8 per cent of Newfoundland's revenues in 1994 and that it rose to 49 per cent in 1997-98. No other province drew as high a proportion of its income from equalization. There can be no argument with the statement that the trend goes from bad to worse, or to put the matter another way, the poor get poorer.

Put that together with the tax burden being borne by the citizens of my province and set it against the standard of public services there, and senators will appreciate why I state that my province has a claim upon the Government of Canada. The recommendations in this report will go a substantial way to honouring that claim.

Finally, let me note that the committee received representations from the Ministers of Finance from five of the receiving provinces and from the Premier of Newfoundland and Labrador. Each put forward suggestions for change that ran substantially on the same lines as the committee's conclusions. It is fair to say, then, that the report will have strong support among the equalization-receiving provinces, and that, too, is a telling argument in its favour. In fact, I believe Senator Murray has received messages from each of the provincial premiers in the four Atlantic provinces with positive comments on the committee report. The news stories have reflected that accordingly.

The members of the committee have done good work, and we owe them a debt of gratitude. The report will be regarded, I think, as a major milestone in the long history of equalization payments — a major step forward in the effort to develop fair and appropriate mechanisms to discharge the constitutional obligation that obliges the Government of Canada to help the provinces provide comparable public services at comparable levels of taxation. Once more, I congratulate and thank all those who worked to make the report the landmark document that it is. Their recommendations deserve our support and they deserve the support of the Government of Canada.

The Hon. the Speaker *pro tempore*: Honourable Senator Taylor, do you have a question?

Hon. Nicholas W. Taylor: Yes. Being from Alberta, which is accused of perhaps not putting enough money into the pot —

The Hon. the Speaker *pro tempore*: I regret to advise that Senator Rompkey's time has expired.

Senator Rompkey, are you asking for extra time?

Senator Rompkey: I would be prepared to answer Senator Taylor's question.

Senator Taylor: Subsurface rights in the Prairie provinces were granted to the government. Therefore, it is only fair that the oil and gas resources in Newfoundland and Nova Scotia are as well.

Do not forget that, in the West, our rights are restricted to the area between our borders. There should be a statute in every village square of Joe Clark because he introduced the concept of sharing offshore wealth. At that time, the offshore was only 10 or 12 miles out to sea and the provinces only had a few miles of it. As senators know, international treaties now give every country oil rights that are halfway to the other country. Consequently, Newfoundland and Nova Scotia have rights in oil and mining much larger than their original area. In other words, their rights are so far out to sea that they extend almost halfway to Africa. For that reason, the comparison with the situation in Alberta and Saskatchewan is a bit rough. We are restricted to what goes on between our borders. Was that mentioned in the committee?

Senator Rompkey: I do not think that point was discussed in the committee at all. We are talking about a matter of principle. I accept the fact that my honourable friend is talking about territory and area and the extent of the resource.

When Mr. Chrétien was Minister of Energy, there was a discussion about whether the offshore would overheat the Newfoundland economy. He said that he was not afraid to inflict prosperity on Newfoundland. That is the position we should take.

Moreover, we are not asking for all the revenue to stay in Newfoundland. We are asking for a fair share. I said 70 per cent should be excluded. Instead of being 70-30, it should be the other way around. Still, much of the money goes to the Government of Canada. Let me repeat the figures again. Offshore, for every dollar of government revenue that comes in now, the federal government gets 80 to 90 cents. When Voisey's Bay is developed in northern Labrador — not the biggest nickel mine in the world but one of the richest, and it will be there for 20 or 30 years — of every dollar of government revenue, almost 90 cents comes to the Government of Canada either in taxes or the clawback of equalization.

We are asking for some fairness and equity. We do not want to keep all the dollars coming in, but we do want to keep a fair share.

On motion of Senator Stratton, debate adjourned.

STUDY ON CANADA'S HUMAN RIGHTS OBLIGATIONS

REPORT OF HUMAN RIGHTS COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Andreychuk, seconded by the Honourable Senator Johnson, for the adoption of the second report of the Standing Senate Committee on Human Rights, entitled: *Promises to Keep: Implementing Canada's Human Rights Obligations*, tabled in the Senate on December 13, 2001.—(Honourable Senator Poy).

Hon. Vivienne Poy: Honourable senators, it is my pleasure to speak to the second report of the Standing Senate Committee on Human Rights. Over the last year, it has been my privilege to serve on this committee and to learn more about international and national human rights issues.

I thank the many witnesses who appeared before the committee and shared their knowledge with us. As Senator Andreychuk stressed in her speech before this chamber, Canada is now entering the third phase of the evolution of human rights in which we must strive to live up to the commitments laid out in the various international human rights instruments that we have ratified.

According to the Department of Foreign Affairs, Canada has ratified most of the principal UN treaties on international human rights. As a result of our willingness to ratify these instruments, as well as the well-justified respect accorded to our Charter of Rights and Freedoms, Canada is known as a leader in the field of human rights.

Honourable senators, do we still deserve this reputation? I ask this question because, as Senator Andreychuk noted, we have not implemented into national legislation many of the rights contained in the treaties to which we are party, while many other Western nations have developed mechanisms for integrating ratified treaties into their laws.

It is true that our federal system of governance makes implementation difficult, but as many witnesses before our committee observed, this is not an insurmountable barrier. As things stand, there is a lack of coherence between Canadian Human Rights Commission rulings and reviews and petitions at the international level.

• (1620)

The question is this: Do we really believe in the human rights principles that we have agreed to in ratifying these treaties and covenants, or is our commitment merely rhetorical? If we are to go beyond rhetoric, we need to implement national legislation as soon as possible so that all Canadians can have full recourse to human rights law.

A first step in this direction, as our committee recommended, would be to include references to key international human rights instruments in the Canadian Human Rights Act so as to more fully harmonize international and national legislation. In particular, the issue of poverty, which afflicts various social groups in Canada, needs to be incorporated so that discrimination on the basis of social condition is prohibited. These measures would be in keeping with the Paris Principles of 1991, which Canada, along with the UN Human Rights Commission and the General Assembly, endorsed.

Although we have always ranked high in the UN human development index for our quality of life, we have also been criticized, in recent years, by this same report for our failure to tackle poverty, particularly among children, Aboriginal peoples, minorities and women. The homeless are crowding our urban sidewalks, and one in six adults cannot read, while 5 million Canadian children live in poverty. The gap between Canada's rich and poor continues to grow. Honourable senators, we cannot ignore these issues.

Canada has committed itself to the protection of both civil and political rights, and social and economic rights, by signing the international covenants. In fact, when CIDA ventures abroad, it recognizes the close interaction between poverty alleviation and governance issues in the development of a nation.

As the head of the Canadian Human Rights Commission, Michelle Falardeau-Ramsay, said, these two sets of rights cannot be separated if quality of life is to be ensured:

The international community has recognized for some time that human rights are indivisible, and that economic and social rights cannot be separated from political, legal, or equality rights. It is now time to recognize poverty as a human rights issue here at home as well.

Critics of social and economic rights, which are positive rights, often argue that negative rights, such as freedom from torture, freedom from arbitrary arrest, freedom of conscience, et cetera,

are easier and cheaper to enforce than positive rights. One of the most important rights in a democracy, the right to vote, is in fact a positive right. Ultimately, our access to positive rights depends on our social and economic position in society. Despite the Charter and our best intention as a society, many inequalities do exist, and for those who find themselves on the bottom rungs of our economy, human rights are a luxury they cannot afford in their struggle for survival.

Martha Jackman wrote this recently in the *National Journal of Constitutional Law*:

It requires little imagination to question the value and meaning of a right to freedom of conscience and opinion without adequate food; to freedom of expression without adequate education; to security of person without adequate shelter and health care. In each case there exists a fundamental interdependence between the classical right, which is constitutionally recognized, and the underlying social and economic right, which is assumed to be a matter, not for the state, but for the market, for the individual initiative, or even nature.

Thus, all rights require access to resources. However, many poverty-related claims, such as those related to social assistance and to low-income women, that are brought before Canada's Human Rights Commissions are ignored, despite their legitimate basis in international law.

Aside from harmonizing international and domestic legislation, one of the most pressing issues that have emerged after September 11 is the need to maintain a proper balance between demands for collective security and human rights. We need to closely monitor our domestic situation to ensure that security concerns do not supersede the rights of Canadians.

Aside from assuring that the different levels of government respect human rights in practice, we need to encourage all Canadians to talk about these issues. One way to do so is to give them the information they need through education. How many Canadians know what international human rights instruments Canada has ratified? How many Canadians understand how to file a complaint under these treaties at the international level? Even if much of this legislation is not codified into Canadian law, Canadians need to know what principles Canada has publicly committed to uphold.

It is my personal desire that the Standing Senate Committee on Human Rights will raise awareness of the importance of human rights among parliamentarians and among all Canadians. For too long, we have taken Canada's human rights record for granted. There is a tendency to be complacent, even when there is much more to achieve.

Now is the time for Canada to take our international human rights commitments more seriously, both nationally and globally. Our committee was informed that there has not been an intergovernmental meeting on human rights at the ministerial level in some 13 years. Much has happened in the field of human rights during that period. It is obviously time for the federal, provincial and territorial ministers to sit down together.

As the committee hearings have made evident, many questions need to be addressed if Canada is to retain its status in the international arena as a champion of human rights.

This month, we celebrate the twentieth anniversary of the Canadian Charter of Rights and Freedoms. Let us take this opportunity to review our many triumphs over the past 20 years, but also to set our course for the future.

Honourable senators, as the Standing Senate Committee on Human Rights continues its fine work, it will play a pivotal role in shaping that future and moving the human rights agenda forward in Canada and around the world.

Hon. Senators: Hear, hear!

Hon. Marcel Prud'homme: Will the honourable senator accept one or two questions?

Senator Poy: Yes, if I am able to.

Senator Prud'homme: Honourable senators, I attend this important committee as often as I am able to. As honourable senators are aware, I am a member of no committee because my choice is Foreign Affairs, where I think I have expertise, but I am deprived of sitting as a supplementary on that committee. I make no concessions; therefore, I am a member of no committee. Talk about the rights of parliamentarians.

The Human Rights Committee is doing fabulous work. I attend that committee on Mondays whenever I can as a non-member. The chair treats me as if I were a member of the committee; if I raise my hand, the chair recognizes me. I appreciate Senator Andreychuk's courtesy and Senator Poy's able participation.

One thing strikes me about the Human Rights Committee, however. Why is it that that committee attracts mostly women, compared to the Banking Committee and other committees where the membership is made up mostly of males? Why is the Human Rights Committee entirely composed of women, except for two Conservative senators, Senators Kinsella and Beaudoin? Senators Andreychuk, Kinsella and Beaudoin, the three Conservative representatives, are two men and a woman.

Senator Joyal is not a member. He attends as a volunteer, as I do. All the members for the government — my party for 40 years — are women. May I make a plea to the House Leader?

• (1630)

Maybe there should be some adjustment there, so that males could have the same sensitivity that the committee shows. It is a suggestion.

My question is: The honourable senator does believe in the universality of human rights, does she not?

Senator Poy: Yes, I do.

Senator Prud'homme: As we talk about almost everything touching on human rights except the one thing that is of greatest interest to world peace, something that could explode overnight, could I ask the honourable senator to ask her committee if the time has come for some women — and I feel that women have more guts than men, and I do say so publicly on the record — to decide that they will study the human rights situation of the Palestinian people?

I put my question to Senator Poy, as I do to the able chair, very humbly. Will the honourable senator at least consider studying the possibility of looking into this very explosive matter and promote the idea through her very important committee?

I repeat, I was not wrong in the past when I predicted things I was horrified to see happening. It will become worse and worse.

For those colleagues who are very cynical, I would remind them that this committee sits on Mondays, and we should tip our hats to the members who chose to sit on those days.

Senator Poy: Honourable senators, I am glad the Honourable Senator Prud'homme mentioned that in the of Human Rights Committee there are more women than men. It is something I have noticed in many other meetings I attend regarding peace and security as well. It is mainly women, but I cannot answer why that is so.

To answer the question regarding studying the Palestinian question, I think it would be more appropriate if the honourable senator put it to our chair and deputy chair. I am vitally interested in that myself, though I retain, as my main concern, the rights of Canadians here in Canada. We need to solve that problem first before we can solve the problems of the world.

On motion of Senator Kinsella, for senator Beaudoin, debate adjourned.

STATUS OF PALLIATIVE CARE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cordy calling the attention of the Senate to the status of palliative care in Canada.—(*Honourable Senator Morin*).

Hon. Yves Morin: Honourable senators, I would like to speak briefly on the subject of palliative care, and describe a remarkable experience in my own city.

Palliative care can be defined as the care of patients whose disease is not responsive to curative treatment, where control of pain and other symptoms, and psychological, social and spiritual problems, is paramount. The goal of palliative care is the achievement of the best possible quality of life for patients and their families.

[Translation]

In Canada, palliative care has taken on considerable importance over the years, thanks to kind souls who were very quick to understand the importance of providing such services. One example of these: Quebec City's Maison Michel-Sarrazin, named after the first physician in New France.

The first of its kind in Canada, this facility is recognized throughout the world as a source of reference and expertise on palliative care. Created in 1975 after several years of reflection, it set itself the objective of palliating the suffering of terminal cancer patients by providing the appropriate care and support for patients and for their loved ones. The activities of Maison Michel-Sarrazin cover the whole range of palliative care.

As far as care per se is concerned, it provides free of charge accommodation, medical and psychosocial care, music therapy, physiotherapy and pastoral services. All of these are adapted to the needs of palliative care patients and their loved ones.

Other services available include liaison services and home care, a permanent help line, and follow-up for grieving family members.

The Maison Michel-Sarrazin expands its impact through publications on the medical, philosophical and ethical aspects of palliative care. Every year, it organizes the Michel-Sarrazin lecture, and invites a world-renowned speaker to address a specific aspect of the end of life.

The Maison Michel-Sarrazin is also an accredited teaching site for palliative care. It provides several courses on theory coupled with practicums for students and practicing professionals, leading to a certificate in palliative care.

The creation in 1983 of a palliative care Chair at Laval University was another element in the continuity of collaborative efforts between it and the facility. In order to successfully carry out its research mission, the Maison has had an active multidisciplinary research team in place for the last ten years.

All these efforts have earned the Maison Michel-Sarrazin an international reputation. Indeed, it has served as a model for a number of palliative care centres throughout the world, including in Quebec, Canada, Europe and China.

As you may imagine, this institution is a perfect example of what determination can accomplish. Its history is one of love, as was so admirably written by Yolande Bonenfant, in a book entitled *La petite histoire de la Maison Michel-Sarrazin*. This centre was built by people who believed and fought with unwavering faith, so that terminally ill patients could leave this world with dignity.

Allow me to pay a well deserved tribute to its founders. I am referring to Dr. Louis Dionne, his wife, Claudette Gagnon, and Dr. Jean-Louis Bonenfant. I would be remiss if I did not also mention the excellent work done by the team of caregivers, the support staff and all the dedicated volunteers and generous contributors who work ceaselessly to keep the flame burning.

As I pointed out, one of the great merits of this institution is that it was established at a time when palliative care was a totally neglected area in the health sector. These people believed in their dream. Their efforts were rewarded and we are proud of them.

We also want to express our appreciation to our honourable colleague, Senator Sharon Carstairs, for her remarkable work in the area of palliative care. I will not go into the details of her commitment. She has long been actively involved in this area and we are all aware of her contribution. It is largely thanks to her determination that palliative care now has a place of choice in our health policies. To be sure, her vast experience in this area and her legendary perseverance will help develop and improve access to quality palliative care for Canadians.

[English]

The Hon. the Speaker: Honourable senators, if no other senator wishes to speak to this inquiry, it is considered debated.

• (1640)

Hon. Marcel Prud'homme: Honourable senators, has only one honourable senator spoken on this matter?

Some Hon. Senators: No, no.

Senator Prud'homme: If no honourable senator speaks, the matter dies. Am I to understand that?

The Hon. the Speaker: Honourable senators, the matter does not die; it is considered debated. Does the honourable senator wish to adjourn the debate? We have gone on to the next item, but is there leave to revert to a motion for adjournment of the debate, honourable senators?

Senator Prud'homme: I ask for leave to revert.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

On motion of Senator Prud'homme, debate adjourned.

INTERNATIONAL DAY FOR ELIMINATION OF DISCRIMINATION

INQUIRY

On the Order:

Resuming debate on the inquiry of the Honourable Senator Poy calling the attention of the Senate to the significance of March 21st, the International Day for the Elimination of Racial Discrimination.—(*Honourable Senator Andreychuk*).

Hon. A. Raynell Andreychuk: Honourable senators, I rise today to speak in support of Senator Poy's inquiry concerning the United Nations International Day for the Elimination of Racial Discrimination. In her speech to this chamber, given on March 19, 2002, my respected colleague mentioned that eliminating racism raises not only ideological issues but carries with it legal and economic implications as well. I should like to share some thoughts on the legal implications that the issue of racial discrimination raises.

The inherent dignity of the individual has always been the core value of human rights. The expression of the profound dignity and worth of the individual goes as far back as the origins of the world's major religions, and continues in scores of laws, treaties and theses that fill the legislatures and libraries throughout the world today. Racial discrimination is the very negation of this human rights legacy.

It is in recognition of racial discrimination's affront to human dignity that national laws and international instruments have been elaborated to support the equality of all people in society. In Canada, the Canadian Charter of Rights and Freedoms protects individuals from acts of discrimination by governments. The human rights codes, acts and charters of the Canadian provinces, as well as the Yukon Territory, all maintain provisions aimed at eliminating racial discrimination in such areas as employment, goods and services, accommodation and contracts, amongst others. Let us not forget the anti-discrimination provisions contained in the Canadian Human Rights Act.

In the international arena, the United Nations Declaration of Human Rights recognizes the fundamental dignity of the individual and the equality of all in its articles 2 and 7, which state respectively:

Everyone is entitled to all the rights and freedoms in this Declaration, without distinction of any kind, such as race...

All are equal before the law and are entitled without any discrimination to equal protection of the law.

These same rights are also set out in the International Covenant on Civil and Political Rights, as well as the International Covenant on Economic, Social and Cultural Rights. The preamble to the International Convention on the Elimination of all Forms of Racial Discrimination states:

...any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or practice, anywhere...

In addition to the various national and international legal instruments that fight racial discrimination, the International Day for the Elimination of Racial Discrimination, as declared by the United Nations General Assembly and recognized every March 21, pays respect to the 69 people killed in 1960 in Sharpeville, South Africa, while they were demonstrating peacefully against apartheid "pass laws."

Honourable senators will recall these humiliating passes that Black and other non-white South Africans had to carry when entering areas outside of the state-designated Black townships. They contained the bearer's photograph and such detailed information as place of origin, record of employment, tax payments and any encounters the bearer may have had with the law. It was a crime not to present one's pass upon request by the police.

Unfortunately, racial discrimination represents the voice of ignorance that claims to offer simple, albeit misguided, solutions to complex issues. Canada has not always proven itself to be immune in this area. There exist reasonable arguments stating that, even recently, this country, in response to issues such as illegal refugees and terrorist attacks, has, in certain cases, been marred by acts of racial discrimination.

As an example, an article entitled "Canada's immigration policies — contradictions and shortcomings," published in the winter 2001 issue of the Canadian Race Relations Foundation's newspaper *Perspectives*, states that Canada's new immigration legislation "opens the door to decision making based not on individual facts, but supposed group characteristics or the prejudices of the decision maker."

The role that laws play in helping victims of racial discrimination regain their dignity becomes apparent before observations such as those made by the Canadian Race Relations Foundation. The case of Mr. Selwyn Pieters is but one example that highlights the point that the courts can correct injustices suffered by victims of discrimination. As reported in the February 6, 2002, issue of the *Globe and Mail*, this Toronto man received both an apology and an undisclosed cash payment from the Canada Customs and Revenue Agency after complaining to the Canadian Human Rights Tribunal that he was the victim of racial profiling by the agency.

Legal texts can therefore represent an important tool in the fight against racial discrimination. Mr. Pieters' access to the courts certainly provided him with recourse to justice. In addition, Mr. Pieters' settlement contains commitments that are aimed at the wider goal of eliminating the alleged racial profiling that occurred in the agency's operations. The settlement provides that the agency "shall retain an anti-racism expert, external to CCRA, to provide anti-racism and cultural diversity training to all customs officials or officers," among other engagements. Such a commitment to eliminate racial profiling must be applauded.

Anti-discrimination laws are not the only means available to fight racial discrimination. Not everyone has the financial ability to gain access to the courts. Also, because of the insidious nature of discrimination, and due to the various subtle forms that it adopts, not all cases can be readily proven in court. For example, when an entire ethnic community is portrayed in the press in a manner that relies upon racial stereotypes, the courts may not always be able to offer the most appropriate form in which to address the issue.

The portrayal of Canada's ethnic communities in the mainstream press raises serious concerns and has been identified by the ethnic press as a problem, on more than one occasion. On September 18, 2001, *Pakeeza*, an Urdu-language paper published in Toronto, made the following plea:

A week after the attacks on the United States, the Islamic Supreme Council of Canada, and Muslims Against Terrorism...made a formal appeal to the Canadian media not to pinpoint Muslims as perpetrators of the (September 11 terrorist) attack.

Honourable senators, we must then ask ourselves, beyond laws, how can we ensure that the dignity of the individual is best respected in Canada? A number of activities and initiatives have been undertaken in this country to seek to eliminate racial discrimination. I wish to commend one to this chamber.

• (1650)

“Since 1989, an annual anti-racism campaign whose slogan is “Racism - Stop it!” has sought to inform young Canadians about racism and provide ways in which to combat it. According to a report entitled “Hate-Motivated Violence,” commissioned in 1994 by the Department of Justice, racially motivated crimes tend to be perpetrated by people in their teens or early twenties who are acting out prejudices shared by friends and family. Therefore, it is no surprise that the campaign is focused on reaching Canadian youth and impressing upon them the value of equality, mutual respect and acceptance of diversity.

As part of the campaign’s activities, a kit has been made available to educators and youth groups that organizes activities promoting respect and tolerance among youth and highlighting the destructive nature of racism. The kit represents the collaborative work of the Department of Canadian Heritage, by whom the kit was prepared, and the Ontario Multicultural Association in cooperation with the Canadian Council for Multicultural and Intercultural Education, upon whose work the elaboration of the kit was based.

Education, knowledge and special programs, in addition to anti-discrimination laws, are all necessary tools in eliminating racial discrimination. In order to keep racism at bay, we must continue to develop a strong culture of equality and respect for diversity in this country. Each one of us has a role to play. Parliamentarians must denounce racism wherever it surfaces. Those of us who have a public audience must resist using facile stereotypes that are empty of meaning but charged with prejudice. Parents must impress upon their children and teachers upon their students that no one is better or worse a person due to skin pigmentation, religious belief or cultural background.

Every citizen bears the responsibility of identifying racial intolerance, wherever it appears, and denouncing the harm it sows. Only within a culture of tolerance, as reflected in the legal texts to which we adhere and the acts and attitudes of our citizens, will we truly recognize the dignity and worth of all citizens.

I thank Senator Poy for again raising this timely issue. It is regrettable that despite the issue being raised annually in March, we still must continue year after year to do so. Perhaps it is inevitable with new generations, but I am pleased that Canada is addressing those problems, and I am pleased that Senator Poy again reminded us of it.

Hon. Marcel Prud’homme: Will the honourable senator accept a question?

Senator Andreychuk: Yes, I will.

Senator Prud’homme: We talk about the elimination of racial discrimination, and Senator Poy said that she is in favour of everything I may have said, but she is more interested in attacking racial discrimination in Canada first. I, of course, agree with Senator Poy and with Senator Andreychuk.

If what I am about to say is not true, I shall withdraw it tomorrow. We talk about racial discrimination and we talk about racial profiling. Is Senator Andreychuk aware of a recent incident where a member of a House of Commons committee travelling outside Canada was politely asked to step aside so that he could be questioned further, the result being that he was questioned a little too long and missed his plane? Is that the kind of racial discrimination that we should address? If such an incident is true, should we take action in this case?

Senator Andreychuk: Honourable senators, I am not aware of that incident, so I will not comment on it. However, I will join my colleague on the committee to say that I think we must address discrimination and human rights issues in Canada simply because it is our responsibility as Canadian parliamentarians. Canada now has multilateral and bilateral obligations, and so I see that our international obligations are just the other side of the coin of our national obligations. I think that is what we want to address first. In doing so, we have an ability to look at cases and issues that happen outside of Canada because they reflect on Canada and they may involve Canadian citizens.

If Senator Prud’homme is prepared to give me further details, I think we can look at every issue in the steering committee and determine if there is a place for this issue in our work.

Senator Prud’homme: I hope I was clear. This incident took place in Canada.

Senator Andreychuk: Thank you for that clarification. I was not clear on that point. If the honourable senator can give us the details, I think that we can look at the matter. Every issue that is raised is worthy of being taken into account, as are those raised by Senator Prud’homme.

The Hon. the Speaker: If no other senator wishes to speak to this inquiry, it is considered debated.

**FOUNDATION TO FUND SUSTAINABLE
DEVELOPMENT TECHNOLOGY**

**RESOLUTIONS OF STANDING COMMITTEES OF
ENERGY, THE ENVIRONMENT AND NATURAL
RESOURCES AND NATIONAL FINANCE—
MOTION TO FORWARD TO COMMONS—
DEBATE CONTINUED**

On the Order:

Resuming debate on the motion of the Honourable Senator DeWare, seconded by the Honourable Senator Kinsella:

That the Senate endorse and support the following statements from two of its Standing Committees in relation to Bill C-4 being An Act to establish a foundation to fund sustainable development technology.

From the Fifth Report of the Standing Senate Committee on Energy, the Environment and Natural Resources the following statement:

"The actions of the Government of Canada in creating a private sector corporation as a stand-in for the Foundation now proposed in Bill C-4, and the depositing of \$100 million of taxpayer's money with that corporation, without the prior approval of Parliament, is an affront to members of both Houses of Parliament. The Committee requests that the Speaker of the Senate notify the Speaker of the House of Commons of the dismay and concern of the Senate with this circumvention of the parliamentary process."

From the Eighth Report of the Standing Senate Committee on National Finance being its Interim Report on the 2001-2002 Estimates, the Committee's comments on Bill C-4:

"Senators wondered if this was an appropriate way to create such agencies and crown corporations. They questioned whether the government should have passed the bill before it advanced the funding. The members of the Committee condemn this process, which creates and funds a \$100 million agency without prior Parliamentary approval."

And that this Resolution be sent to the Speaker of the House of Commons so that he may acquaint the House of Commons with the Senate's views and conclusions on Bill C-4 being An Act to establish a foundation to fund sustainable development technology.—(*Honourable Senator Meighen*).

Hon. Terry Stratton: Honourable senators, I rise today to say a few words concerning the motion set down by our former colleague Senator DeWare concerning the establishment of foundations beyond the reach of Parliament. While former Senator DeWare's motion deals with Bill C-4 and the funds for sustainable development technology, it has relevance to the recent work done by the Auditor General on these types of funds.

For this reason, and because I think the Finance Committee heard from the Auditor General last week concerning this issue, I believe we should keep this motion alive. I move to adjourn the debate in order that I may speak to the issue more fully at a later time.

On motion of Senator Stratton, debate adjourned.

• (1700)

[Translation]

NOMINATION OF HONORARY CITIZENS

INQUIRY

On the Order:

Resuming debate on the inquiry of the Honourable Senator Prud'homme, P.C., calling the attention of the Senate to the way in which, in the future, honorary Canadian citizens should be named and national days of remembrance proclaimed for individuals or events.—(*Honourable Senator Nolin*).

Hon. Pierre Claude Nolin: Honourable senators, I am pleased to speak to this inquiry by Senator Prud'homme, who wishes to draw our attention to the way in which, in the future, honorary Canadian citizens should be named and national days of remembrance proclaimed for individuals or events.

My point is relatively simple. So-called ordinary — for the purposes of this discussion — individuals who wish to become Canadian citizens must go through an established, regulated process with all sorts of controls. At the end of it all, they become Canadian citizens. Why is the process to all intents and purposes discretionary when it comes to naming someone an honorary Canadian citizen? There are certainly very good reasons for appointing non-Canadians honorary Canadian citizens.

I think it would be very appropriate for these designations to be carefully analysed by a group of Canadians. It could be a committee of this Chamber, a joint committee of both Chambers, a committee of Canadians who are members of the Order of Canada, and so on.

Senator Prud'homme's purpose was to obtain some sort of framework. Do we want this to be a purely discretionary process or should there be a set procedure? In my view, there should be a set procedure. It is complicated to become a Canadian citizen, and I believe that it should also be complicated for a non-Canadian to become an honorary Canadian citizen.

The Hon. the Speaker: If no other senator wishes to take part in this debate, this inquiry will be considered debated.

The Senate adjourned until Wednesday, May 1, 2002, at 1:30 p.m.

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OFFICIAL REPORT
(HANSARD)

Wednesday, May 1, 2002

THE HONOURABLE DAN HAYS
SPEAKER

This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.

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(Daily index of proceedings appears at back of this issue).

OFFICIAL REPORT

CORRECTION

Hon. Nicholas W. Taylor: Honourable senators, yesterday Senator Stratton asked what percentage of the budget the Standing Senate Committee on Energy, the Environment and Natural Resources had acquired from the budget sub-committee of the Internal Economy Committee. I indicated that 60 per cent was the correct figure. I am embarrassed to say that I was wrong, and the accurate figure is 43 per cent.

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THE SENATE

Wednesday, May 1, 2002

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

[Translation]

SENATORS' STATEMENTS

THE SENATE

SECURITY STAFF OF PARLIAMENTARY PRECINCT SERVICES DIRECTORATE

Hon. Marcel Prud'homme: Honourable senators, I would like to take advantage of this opportunity to pay particular tribute to the Senate security staff. Readers of the *Hill Times* or the Ottawa dailies will surely have noted that the Senate security staff are being discredited. This is totally inappropriate. It is true that negotiations are currently under way.

[English]

I wish to pay homage to our Senate security staff. I speak to them all. They will not complain about this, but many of them are offended.

[Translation]

We are being very well served. We need no lectures from the other place, or from others with their overall plans for Senate and Commons security. I find it most regrettable that we are forced to read such comments, which may be detrimental to the morale of Senate security staff.

If improvements are needed, let them be made. We should be very prudent as far as our institutions are concerned. Is it a matter of change for the sake of change, and of taking advantage of the paranoia about security that seems to have taken hold of certain people, leading them to change institutions?

We are well served by our security staff. I think security can be improved, but that does not mean it should be discredited. I believe the Senate should join with me in showing them that we have total confidence in them. We will take the steps that are necessary and the committee will be very prudent. We should call upon the alumni, and you know what this means.

[English]

I include, in the list of alumni, Senator Graham and the others who have a better institutional memory of the Senate than I.

I would wish to have the opportunity to comment before any change is made concerning the security staff of the Senate.

ASIAN HERITAGE MONTH

Hon. Mobina S. B. Jaffer: Honourable senators, in May 2002, Canadians will officially celebrate Asian Heritage Month for the first time.

[Translation]

We want to thank Senator Poy for her efforts on behalf of Asian Heritage Month.

[English]

Thank you, Senator Poy.

Every year, Canadians are invited to take part in the festivities that commemorate the legacy of Asian Canadians, past and present, during Asian Heritage Month. This year, the Government of Canada has officially recognized May as Asian Heritage Month. The month-long festival plays a significant role in identifying and articulating the vibrant Asian-Canadian culture within Canada and is a tribute to the individuals and organizations that come together each year to showcase and highlight the diversity of the artists and cultural expressions emerging out of Canada's Asian communities.

Under the leadership of President Bev Nann, the Vancouver Asian Heritage Month Society has been organizing events to showcase Asian heritage for a long time. This year's theme is "ExplorASIAN 2002" and will feature 150 events across the lower mainland. We should be proud of Asian-Canadian contemporary culture because it is homegrown culture. It represents Canada.

[Translation]

According to Bev Nann: "This is a culture which belongs to all Canadians and which contributes to the advancement of multiculturalism."

[English]

On a personal level, it means that my daughter Farzana is taught Bharatnatyam, Indian classical dance, by world-renowned Indian classical artist Benoit Villeneuve, a native Quebecer whose Indian name is Jai Govinda.

[Translation]

Because of the existence of this new culture, he is able to teach traditional Indian dance in British Columbia, and in French.

[English]

Our great country's diversity makes our celebration of Asian Heritage Month belong to all Canadians.

• (13:40)

FUNERAL OF PRIVATE NATHAN SMITH

Hon. Jane Cordy: Honourable senators, on Wednesday, April 24, I had the privilege of attending the funeral of Private Nathan Smith at St. Luke's Church in Dartmouth. Nathan Smith of Ostrea Lake, a small community outside of Dartmouth, was one of the four Canadian soldiers killed in Afghanistan. St. Luke's Church is located on Veteran's Avenue. It is surrounded by Louisbourg Lane, Skeena Lane and Shawinigan Lane, all named after Canadian warships. The minister who spoke at the service noted this coincidence. Many veterans attended the funeral to remember and to honour Private Smith, even though many had never met him.

What do we learn as Canadians from a tragedy such as this, that has taken the lives of four young men? I spoke to a friend of mine whose children grew up with Nathan Smith, and she told me that her daughter's comment was, "Remembrance Day will have a whole new meaning." This is a good thing, as we sometimes become complacent about the service given to us by those who are members of the Canadian military.

At Private Smith's funeral last Wednesday, one of his comrades from the Princess Patricia's Canadian Light Infantry spoke about Private Smith, his colleague and his friend. He noted what the military and soldiers, particularly, have done to protect the freedom of Canadians. I will share with you a paraphrase of his words.

When you read a poem or a book, thank not the poet or the novelist for the freedom of speech, thank a soldier. When you are part of a demonstration or rally, thank not an activist for the freedom to march, thank a soldier. When reading a newspaper or watching television, thank not a journalist or a broadcaster for the freedom of speech and expression, thank a soldier.

There is no one who so passionately salutes the Canadian flag with pride and patriotism as our military. Let us not forget the freedoms our soldiers have fought for in the past and continue to fight for today. Let us, too, say, "Remembrance Day has a whole new meaning."

ASIAN HERITAGE MONTH

Hon. Vivienne Poy: Honourable senators, in December 2001, the Senate voted unanimously to recognize May as Asian Heritage Month in Canada. This month the Government of Canada will officially launch the first national celebration of Asian Heritage Month. I have had many calls from Asians across the country who are delighted by this official acknowledgement. They see this recognition as a valuable opportunity to raise awareness among the mainstream community about Asian Canadian contributions to Canada.

Asian Heritage Month is a cause for celebration and a chance to pay tribute to the strength that Canada has derived from those of Asian heritage. Canadian diversity has enriched this nation in so many ways — socially, politically, economically and culturally — and it will continue to do so as Canada responds to globalization

by opening its doors to the world. Throughout the month of May, Canadians can learn about Asian culture and community both in Canada and abroad. It is my hope that new ties will develop between various communities through intercultural exchanges and mutual education.

As the Honourable Sheila Copps, Minister of Canadian Heritage, stated, "Asian Heritage Month is an ideal occasion for all Canadians to celebrate the beauty and wisdom of various Asian cultures."

Speaking personally, my own city of Toronto has benefited tremendously from its Asian population. As the Lieutenant Governor of Ontario, the Honourable James K. Bartleman, wrote: "One only has to look at the dynamic cultural and economic influence of Asian Canadians in Ontario's capital to see how life for all citizens has been enriched." As a result of the important role played by Asian Canadians, Mayor Mel Lastman of Toronto also proclaimed May as Asian Heritage Month in Toronto.

Activities are taking place across the country to mark Asian Heritage Month, which will have a positive impact on the lives of Canadians not only during the month of May but throughout the year. Canadians from all over the world are proud of our multicultural country, and during this month we will all have a chance to once again celebrate our achievement as a unique and dynamic nation.

[Translation]

ROUTINE PROCEEDINGS

INTER-PARLIAMENTARY FORUM OF THE AMERICAS

FIRST PLENARY MEETING, MARCH 13 TO 16, 2002—
REPORT OF CANADIAN DELEGATION TABLED

Hon. Céline Hervieux-Payette: Honourable senators, I have the honour to table the report of the Canadian delegation to the first plenary meeting of the Inter-Parliamentary Forum of the Americas, held in Mexico City, Mexico, from March 13 to 16, 2002.

THE SENATE

COLUMBIA—RESOLUTION OF CONCERN OVER
VIOLENT EVENTS AND RECENT THREATS TO
DEMOCRACY—NOTICE OF MOTION

Hon. Céline Hervieux-Payette: Honourable senators, I give notice that, on the next sitting of the Senate, I will move:

That, recognizing the important efforts made by the Colombian government to seek a lasting peace for the people of Colombia;

Regretting the breakdown in the peace process;

Stressing that the protection of Colombia's civilian population remains a primary concern;

Noting that the intensification of violence since the breakdown in the peace negotiations between the Government of Colombia and the Revolutionary Armed Forces of Colombia (FARC) is seriously undermining the legitimacy of the electoral process; and

Considering that attacks by the armed actors, including the abduction of Presidential candidate Ingrid Betancourt on February 23, 2002, and plots to assassinate other leading candidates, are compromising the democratic process in Colombia;

[English]

The Senate of Canada

Expresses concern regarding the violent events and recent threats to democracy in Colombia;

Urges the Revolutionary Armed Forces of Colombia (FARC) for the immediate and unconditional liberation of all hostages that remain kidnapped, including Mrs. Betancourt and her assistant Clara Rojas; and

Calls on all parties to respect their obligations under international humanitarian law and to take steps leading to a negotiated and just peace, that will provide a secure future for all Colombians and end the armed conflict.

That a Message be sent to the House of Commons informing that House that the Senate has passed this Resolution and requesting that House to unite with the Senate therein.

• (1350)

[Translation]

NOMINATION OF HONORARY CITIZENS

NOTICE OF INQUIRY

Hon. Marcel Prud'homme: Honourable senators, I give notice that on Friday May 3, 2002:

I will call the attention of the Senate to the way in which, in the future, honorary Canadian citizens should be named and national days of remembrance proclaimed for individuals or events.

QUESTION PERIOD

THE SENATE

ABSENCE OF LEADER OF THE GOVERNMENT

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I wish to inform you that the Leader of the Government is absent for health reasons.

DELAYED ANSWER TO ORAL QUESTION

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour of tabling a delayed answer to the question raised on April 24, 2002, by Honourable Senator Buchanan regarding the Cape Breton Development Corporation.

CAPE BRETON DEVELOPMENT CORPORATION

NEGOTIATIONS ON REOPENING DONKIN MINE— REQUEST FOR UPDATE

(Response to question raised by Hon. John Buchanan on April 24, 2002)

The Cape Breton Development Corporation (Devco) discontinued its mining operations in December 2001 and is in the process of surrendering its mineral lease to the Province of Nova Scotia. There are no ongoing negotiations between Devco and the Cape Breton Miners Cooperative to open the Donkin mine.

[English]

ORDERS OF THE DAY

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Poy, seconded by the Honourable Senator Banks, for the second reading of Bill S-39, to amend the National Anthem Act to include all Canadians.—(*Honourable Senator Jaffer*).

Hon. Francis William Mahovlich: Honourable senators, I rise today in support of Senator Poy's Bill S-39, to amend the National Anthem Act to include all Canadians. I must admit that, at first, I felt the lyrics of our national anthem should be preserved as it is part of our tradition. However, I have learned that the original 1908 text by the Honourable Robert Stanley Weir states "true patriot love thou dost in us command." I believe this original line reflects a key Canadian value — inclusiveness.

Moses, some 3,500 years ago, gave us the Ten Commandments. The fourth commandment states, "Honour thy father and thy mother." It does not say "honour only your father."

The line "in all thy sons command" had an appropriate use during the early part of the 20th century, as all our soldiers at the time were men. There was an immense contribution by women during the war effort; however, it was men who died in combat. Times have changed.

Today, there are almost 7,000 women in our regular Armed Forces and many more in the reserves who are willing to put their lives on the line for our country. Right now, our troops are overseas risking their lives. Some of our troops are women. Should we not recognize their contributions?

Using inclusive language is one way of emphasizing the responsibility we have to take a stand against one of the forms of discrimination found in our country. Language is powerful and formative. It determines how we perceive ourselves and other people.

As a civilized society, we should be very proud of our accomplishments. Today, we have women at the highest levels of government, in corporate boardrooms, in the military, and in many other occupations that traditionally have been exclusively male.

Of the Canadian athletes who represented our nation in Salt Lake City, approximately 40 per cent were women. It was only 20 years ago that the rights of women were enshrined in the Charter of Rights and Freedoms. Women have fought hard for these gains. It seems only fitting that our anthem should reflect this significant change in our society.

Yesterday, I was speaking with Michael Burgess, the famous charismatic Canadian tenor who sings our national anthem at least once a day. He does not see a problem with the amendment and agreed that the change may be a little awkward at first, but we will get over it. It is the right thing to do.

In 1984, the song *Advance Australia Fair* was proclaimed as Australia's national anthem. At that time, a parliamentary committee recommended amendments to the song. The changes included amending the words "Australia's sons, let us rejoice," to "Australians all, let us rejoice." The words "For loyal sons beyond the seas" became "For those who've come across the seas." These changes were made to include all Australians.

Our national anthem should be gender neutral and traditional, amended to include all Canadians, reflecting the values for which Canada stands — tolerance, diversity and equality.

Honourable senators, life is all about change. Change is inevitable. Nothing is constant in life except, of course, death and taxes. Sometimes the right thing to do is not always easy, but it should still be done. I remember the tremendous pride I felt when I sang *O Canada* in Russia during the 1972 hockey series. I will feel the same pride today singing it with this small amendment.

I feel Canada should have an anthem that includes all Canadians.

The Hon. the Speaker: Honourable senators, at the beginning of the Honourable Senator Mahovlich's remarks he stated that this item currently stands in the name of the Honourable Senator Jaffer. However, there are two senators who now wish to adjourn

the debate. They are Senators Jaffer and Lapointe. I do not think it matters which of the two adjourns debate since the matter will stand until the next sitting of the Senate.

On motion of Senator Lapointe, debate adjourned.

FIRST NATIONS SELF-GOVERNMENT RECOGNITION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator St. Germain, P.C., seconded by the Honourable Senator Tkachuk, for the second reading of Bill S-38, declaring the Crown's recognition of self-government for the First Nations of Canada.—(*Honourable Senator Tkachuk*).

Hon. David Tkachuk: Honourable senators, Bill S-38 would declare the Crown's recognition of self-government for the First Nations of Canada.

Many honourable senators were appointed to this place after I was appointed. Many honourable senators were appointed after I had begun my work on Aboriginal self-government.

• (1400)

I wish to take the opportunity today to outline my views. I have tabled three private members bills in this place since March 1995. After two elections and several prorogations, we now have Bill S-38 before us, which is the same bill in principle, though greatly improved upon after taking into account much of the testimony that was presented in its past lives, and for which much testimony was gathered and heard. The Senate has passed this bill in principle twice before.

When I began my work in 1994, before I introduced my first bill, the federal government did not have a policy framework for self-government. What it did have were negotiations that took place for both the Meech Lake and Charlottetown accords. These provided for a seat at the national negotiating table for First Nations and a place that would be later incorporated into Canada's national policy framework.

In his speech, Senator St. Germain talked about enabling legislation and that Bill S-38 is the foundation only for "those First Nations with a land base who seek an alternate route to becoming self-governing." The case I will make today is for the need for this type of enabling legislation in the case of First Nations with Aboriginal lands that are held under title.

I will begin by highlighting the title of this bill, the *First Nations Self-Government Recognition Act*. This is significant because it echoes the federal government's own acknowledgement and policy of recognition of First Nations' inherent rights of self-government since the Constitution Act, 1982, section 35 and the landmark *Delgamuukw* Case which was the Supreme Court of Canada's confirmation in 1997 of the legal and constitutional dimensions of Aboriginal title.

What about due process and result-oriented government, two principles upon which the current federal government strives to legislate? Bill S-38 is legislation that offers a real framework for self-government negotiations and answers the dual calls of due process and result-oriented government. Many of you will recall the Nisga'a agreement that eventually received the support of Parliament, although not without some misgivings about whether it was the right process, if the right settlement was made, if the right individuals and community became self-governing.

Self-government does not mean that Canada washes its hands of its Aboriginal populations. Far from it. For example, the Nisga'a agreement cost the Canadian government a one-time payment of \$255 million, and that did not include any provincial costs, foregone forestry revenue, or the ongoing annual costs agreed to be paid to the Chief of the Nisga'a band, to be shared with the Nisga'a people, which totalled a one time cost of \$487.1 million. This amount does not fully include the funding the Nisga'a already receive under the Indian Act, and will continue to receive. With the signing of the agreement, the federal government has agreed to an annual transfer of funds greater than what the Nisga'a currently receive in support of program and service delivery of education, health care, social and local services.

I am saying self-government is only the end of the negotiating process. Self-government acknowledges in a practical way, not just in theory, the fundamental rights, inherent rights and self esteem rights to which every individual Canadian is entitled. However, self-government is only the beginning for First Nations. It is the beginning of economic independence, social and educational rights, further independence and cultural precedents.

It is important and essential that negotiations be concluded and not continue over generations. Negotiations cost Canadian taxpayers and First Nations people. The former see the policy landscape and the machinery of government preoccupied with process and costs. The latter continues as wards of the state, foregoing the true independence every Canadian merits. In the case of the Yukon Land Claims Settlement legislation of many years ago, it cost approximately \$90 million for the negotiations that took place prior to the legislation's Royal Assent. The self-government argument is contentious and emotional. Many who understand what is at stake, who spend years working with Aboriginals and policy makers, can still disagree with others who have had the same insights and experiences. Some argue, including the Assembly of First Nations, that self-government should be based on race, where an Indian assembly would govern Indian people throughout Canada. I do not believe this is possible, nor reasonable.

There is another school of thought on self-government that believes this government and the government before it are doing everything they can at a rapid pace to bring about self-government for First Nations. If this were so, Bill S-38 would not be before us. We all know the Nisga'a agreement was settled because of a visit and a promise made in the late 1960s by the current Prime Minister, who was then Indian Affairs Minister, when he swore he would see an agreement for self-government

signed for those people. The Nisga'a agreement was not in line with federal government policy. It was precedent setting, yet the Nisga'a are a unique case. First of all, British Columbia has signed no First Nations treaties. There is an enormous difference between what is happening today in British Columbia and other provinces with large Aboriginal First Nations populations. Second, there was a personal commitment on the part of Canada's most powerful legislator, the Prime Minister himself.

Without framework legislation, enabling legislation, the queue for First Nations to sign self-government agreements with the federal government will be generations long. I truly believe that without enabling legislation such as Bill S-38, what will be left of self-government will be a great economic machine for chiefs, lawyers and constituents all at the expense of taxpayers, with results, that at their best, are no better than this bill.

Honourable senators, you have all heard, seen for yourselves, or at least intellectually understand that throwing money at a problem will not solve it. The Department of Indian and Northern Affairs has an annual budget of close to \$6 billion that serves approximately 1.3 million Aboriginal people, as well as another \$1 billion scattered throughout other departments. To compare, our Department of National Defence has an annual budget of \$11.8 billion, and our Canadian Department of Health has a budget of \$1.3 billion annually, that, I referred to earlier, goes towards Aboriginal comprehensive health care.

The current Minister of Indian Affairs is Robert Nault. His personal goal is to improve the lives of Aboriginals in Canada. I believe he may be able to do that, but we have to give him tools to work with. We have to show him our conviction that what he is doing the right thing and the most necessary thing. We have to give him Bill S-38, as he is arguing for an institutional framework at the band level. Since he became minister, the government has issued guidelines for self-government policy, and Bill S-38 fits into these guidelines.

The Constitution Act, 1982, through section 35, recognizes Aboriginals' inherent right to self-govern. However, that on its own has not broken the cycles of welfare and economic crisis on reserves, of which we all are too well aware. What is the problem? The identification of the problem is simple: There is a legal vacuum. I do not believe the framers of the Constitution in 1982 believed section 35 meant what it has come to mean today. Far from it. Courts are deciding, in lieu of existing legislation, because our federal government has failed to act, and we have failed to act.

In a book entitled, *A Poison Stronger Than Love*, Anastasia Shkilnyk wrote:

It is one of the most compelling paradoxes of our public policy — that ever increasing government expenditures on Indians find an exact parallel in ever increasing indices of social disintegration on their reserves.

Senators, while we sit in this place, we must accept responsibility for this.

I should take a few minutes to discuss the current situation at Davis Inlet. This is surely an example of federal government programing and policies gone awry. Since 1990, the federal government has spent over \$20 million there. The disturbing scenes of gas sniffing kids first shocked Canadians in 1990, yet we saw the same scenes this year.

In the words of the late Senator Walter Twinn:

For someone to walk tall and proud, he must also be a contributor. How can you be a contributor without economic development?

Bill S-38 is Indian community driven, not a federal government blueprint. That is one of the reasons I support it. I am a believer in self-government. I do not want to be responsible any longer for the lives of the members of Canada's First Nations. Let them find their own way. Let them be responsible for themselves. Let them make mistakes. Let them have successes.

• (1410)

When I think back to the testimony we heard on my first bill, Bill S-10, I remember one of the witnesses saying that the Indians are not a burden on Canada; the Department of Indian Affairs is a burden on Canada, and Department of Indian Affairs is a burden on Indians as well. That was said on June 20, 1995, before the Standing Senate Committee on Aboriginal Peoples.

Honourable senators, what is the federal government's policy on self-government? Up to the 1950s, it was clear that government policies attempted to assimilate Aboriginal peoples into Canadian society. The people affected by these policies are the same individuals still fighting for self-government for their families and future generations. In 1982, the Special Committee of the House of Commons on Indian Self-Government wrote the Penner report. That committee was chaired by then member of Parliament Keith Penner. The committee recommended that Indian First Nation governments would and should form a distinct third order of government in Canada. It proposed the constitutional entrenchment of self-government and, in the meantime, recommended the introduction of legislation to fill the legal void.

Since the Penner Report, which marked a turning point in federal policy, Aboriginals themselves have evolved into a relatively successful advocate group for their inherent and recognized rights. In 1986, the federal government released its policy on community-based self-government negotiations.

It is important to note this was policy, not legislative authority, but the future appeared to look clearer. The aspect of hope began to take form in all Aboriginal-federal government negotiations.

In summary, the self-government agreements were entered into with delegated legislative authority as their basis in the late 1980s.

Next, the Royal Commission on Aboriginal Peoples, or RCAP, reported, in November 1996, that "Aboriginal peoples have a

right to fashion their own destiny and control their own government, lands and resources." The commission actually detailed a self-government approach based on the recognition of Aboriginal government as one of the three orders of government in Canada and, among other things, called for the passage of an Aboriginal nations recognition and government act.

In his speech, Senator St. Germain quoted more from Volume II of the RCAP report. The phrase "genuine reconciliation and dual citizenship" stands out for me. Surely this government and we as Canadians do not embrace the circumstances of Davis Inlet. What is manifesting itself there should not be considered genuine reconciliation.

Honourable senators, I want to register my disagreement with Senator St. Germain on one point. In his second reading speech, the honourable senator said that the end result is virtually the same if we follow the policy paper of the federal government to help First Nations achieve self-government or if we use Bill S-38 as an alternative route. I disagree. The end result will not be the same. With the passage of time, and at the same time these negotiations are taking place, lives are being lived and lives are being squandered away. At the same time these negotiations are taking place, millions of dollars that could go toward meaningful health care, education and legal aid, are being spent by bureaucrats and politicians on what seem to be an endless rounds of hearings, meetings and negotiations. We need only think back to Nisga'a to understand what I mean. The Nass River Valley, which is Nisga'a land, was not even desirable land to others, except for the forestry by-products and the sections of the river where the salmon swim.

The money we are spending to make clear our consciences and to appease our voters disturbs me.

The Liberal government's response to the RCAP took the form of a document entitled: "Gathering Strength: Canada's Aboriginal Action Plan," which was tabled in January of 1998 and included a statement of reconciliation expressing Canada's regret for past actions.

Senator St. Germain has spent a lifetime meeting with Indian groups. He knows and understands the issues and effects of agreements that are not negotiated. If he sees genius in this bill, a bill that provides an alternative route to self-government to what the federal government has come up with, a route that has come from the First Nations themselves, I have to stop and ask myself, "Why don't we do it?"

Honourable senators, whatever route First Nations choose as their ultimate path to self-government, whatever federal government ultimately assists in moving the agenda for self-government and whatever generation successfully negotiates self-government for its people, it will not affect me, my family or my community. The bottom line is choice and who chooses.

Before I conclude, I want to explain the concept of enabling legislation. We do it provincially with municipalities. The type of municipality is prescribed in legislation. It is an easy process to become a village, hamlet or city.

Bill S-38 contains, of course, much broader powers. These are powers that the courts, the federal governments and the First Nation groups have agreed upon over time, including provincial powers. The provinces have washed their hands of the Indian reserves. These powers would fill the legal vacuum created by the provinces having abdicated.

Honourable senators, the powers in this bill are delegated and legislated. It is a much healthier prescription than the one we passed with the Nisga'a agreement where amendment is almost impossible. It is almost impossible to make change. With legislation, we can make change.

The lack of self-government agreements does affect First Nations people significantly. It affects their families and future generations. We should refer this bill to committee as quickly as possible and ultimately pass this bill and send it to the House of Commons.

The Hon. the Speaker: I must advise that Senator Tkachuk's time has expired.

Hon. Charlie Watt: Would the honourable senator be prepared to accept a question?

The Hon. the Speaker: Honourable senators, before we proceed in that way, it would be necessary for the Senate to grant leave.

Senator Tkachuk: I request leave to proceed.

The Hon. the Speaker: Is leave granted, honourable senators?

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, leave is granted for just one question and answer.

[English]

Senator Watt: Honourable senators, it bothers me that people talk about self-government at the same time that they talk about delegated authority.

The honourable senator mentioned, in his concluding remark, the possibility of doing things differently from the way that we handled the Nisga'a case. If I understood correctly, the honourable senator was referring to flexibility regarding delegated authority.

Bill S-38 speaks of self-government. Would that flow from section 91.24 of the British North America Act or section 35 of the Constitution Act, 1982.

Senator Tkachuk: Honourable senators, the Penner report said that perhaps we should legislate self-government while the negotiation process searches for a more permanent situation under section 35.

I cannot answer the question as a lawyer would, but I can answer the question in principle because I have thought about it a long time. While this process takes place, there must be an institutional framework amongst the Aboriginal people so that they can get on with their lives. We should make this framework as close as possible to what has been discussed in the past by the Aboriginal people and the federal government.

Certainly, negotiations could take place after that. However, the Aboriginal people would be living under a framework, in the interim, that would provide a legal and coherent method for them to govern their reserves.

On the motion of Senator Chalifoux, debate adjourned.

• (1420)

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, I would like to introduce the pages who are visiting the Senate today from the House of Commons.

[Translation]

Alain Brierly is an Ottawa native, and is pursuing his studies at the University of Ottawa's Faculty of Administration.

To my right, Paul Ruban of Ottawa, Ontario, is enrolled in an honours degree at the University of Ottawa's Faculty of Social Sciences.

[English]

BILL TO CHANGE THE NAMES OF CERTAIN ELECTORAL DISTRICTS

SECOND READING—DEBATE ADJOURNED

Hon. Marie-P. Poulin moved the second reading of Bill C-441, to change the names of certain electoral districts.—(*Honourable Senator Robichaud, P.C.*).

She said: Honourable senators, I am pleased to speak to Bill C-441. This bill received the unanimous support of all parties in the other place and was passed at all stages on April 19, 2002.

Bill C-441's intention is to change the names of certain federal electoral districts to better reflect the changing demographics within the said districts.

[Translation]

Honourable senators, the Senate has passed similar bills quickly in the past. As I pointed out, Bill C-441 has received the unanimous support of all parties in the other place. I hope that will be the case here as well.

On motion of Senator Kinsella, debate adjourned.

[English]

NATIONAL SECURITY AND DEFENCE

BUDGET—STUDY ON NATIONAL SECURITY POLICY— REPORT ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Wiebe, for the adoption of the sixth report of the Standing Senate Committee on National Security and Defence (budget 2002-2003), presented in the Senate on April 25, 2002.—(*Honourable Senator Lynch-Staunton*).

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, would Senator Kenny provide us with an explanation of the budget and tell us whether he is satisfied with it?

Hon. Colin Kenny: Honourable senators, I am pleased to have an opportunity to speak to this item. If the question is, is the committee satisfied with the budget, the answer is "no." We had hoped for and requested virtually twice the amount listed. We received 49 per cent of what we had asked for and were part of the general thrashing and cutting exercise of the budget sub-committee of the Internal Economy Committee to disburse the limited funds available.

Senator Lynch-Staunton: Honourable senators, the budget for committees has been exhausted for this current fiscal year. Therefore, all allocations for committees have been assessed and approved and that is all they will be allotted for the current fiscal year. Therefore, my understanding is that although the committee chaired by Senator Kenny received only 47 per cent of its budget, the committee will have to make do with that until the new budget is approved by this Chamber; is that correct?

Senator Kenny: Honourable Senator Lynch-Staunton is correct. Our committee must make do with this budget until this chamber approves a new budget.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

AGRICULTURE AND FORESTRY

BUDGET—STUDY ON AGRICULTURE AND AGRI-FOOD INDUSTRY—REPORT ADOPTED

The Senate proceeded to consideration of the ninth report of the Standing Senate Committee on Agriculture and Forestry (budget 2002-2003) presented in the Senate on April 30, 2002.—(*Honourable Senator Wiebe*).

Hon. Jack Wiebe moved the adoption of the report.

He said: Honourable senators, in anticipation of a question, I am encouraged by the support for the reduced budget that the Standing Senate Committee on Agriculture and Forestry has

submitted. We asked for a budget of \$395,700. The Internal Economy Committee has recommended a budget of \$149,200, which is 37.7 per cent of the amount for which we asked. While the figure is in the neighbourhood of the usual 40 per cent, we realize that we are getting 2.3 per cent less than some of the other committees. However, we shall struggle on and do the best job we can.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have a question for the Deputy Chairman of the Standing Senate Committee on Agriculture and Forestry.

Yesterday, Senator Taylor made reference to a supplemental budget that would be sought later in the year by the Energy Committee. Is it the intention of the Agriculture Committee to seek a supplemental budget later this year?

Senator Wiebe: Honourable senators, in answer to that question, I cannot speak for the other members of our committee. However, it was certainly our intention to revamp the work schedule we had set to fit within this budget. I would be surprised if the members would be looking for supplemental funds.

Hon. Gerald J. Comeau: Honourable senators, would the Deputy Chair of the Agriculture Committee advise the house how his committee could cope with a 77 per cent cut in its budget and whether it could continue with its work schedule?

Senator Wiebe: Honourable senators, it depends on what was originally asked for.

• (1430)

I think that a 77 per cent cut is a pretty dramatic cut, depending on whether you fly WestJet or Air Canada, business class or economy class, and whether you stay in elite hotels or others. These are areas that one would certainly need to consider.

Unfortunately, I cannot really respond to that question because I do not have any idea of the budget that was submitted. I know that, in the case of our budget, we had decided to hold hearings right across Canada. We will now cut back on some of those hearings. We believe that we can probably accomplish the same thing by inviting individual witnesses to come to Ottawa to appear before us.

The unfortunate part of these cutbacks is their effect on one of the major roles of this chamber, to take its presence to the general public in Canada to give them a feeling that yes, there is someone in government who is listening. By having our committees hold hearings throughout Canada, we can certainly accomplish that. By bringing witnesses to Ottawa, unfortunately we cannot.

I hope that, in next year's budget, we can address some of these areas and perhaps increase the amount of money available to all committees. However, as far as this year is concerned, we are quite happy to live with the constraints that have been imposed.

Hon. Senators: Hear, hear!

Senator Comeau: I hope the senator was not suggesting, by mentioning the means of travel, that the very frugal, economical and cost-effective Standing Senate Committee on Fisheries travels in high style. I am quite sure that is not what he was suggesting.

I did take note of the point that what the committee asks for will result in some kind of percentage cut. I hope this is not a suggestion that we should be inflating our budgets prior to submission so that we can get what we had wanted in the end result. This would be a very counter-productive approach for committee chairs and committees as a whole to take.

Senator Lynch-Staunton: It is unheard of.

Senator Wiebe: Honourable senators, that was certainly the furthest thing from my mind when I said that it depends on what one asks for. I just used the business class as an example. However, when committee chairs present a budget they must be in a position to back up that budget when they go before the committee. If you present a budget that is inflated knowing that it will be cut down, the members of that committee will be able to see through that within the first 10 minutes of your presentation.

Senator Stratton: That is easy for you to say.

Senator Wiebe: I do not feel I am getting myself into any trouble. I have a point to make here, and that is that every committee in this house does an honest and thorough job of presenting its budget. I also say that each and every chairman of a committee, whether from this side or that side of the house, recognize the tremendous value that each and every committee does on behalf of the people of Canada.

Honourable senators will find that the majority of the budgets presented for this year's work did not include very much international travel. The majority of those budgets included travel within this country, and to me that is vitally important. The more of that kind of work that this chamber does throughout our country, the better the feeling that people in this country will have towards the work of each and every one of us as senators.

Hon. Lowell Murray: Honourable senators, I hasten to assure the Honourable Senator Wiebe that I do not have a criticism to make of the budget of his committee. However, his comments on the process that is followed provide me with the opportunity to make very briefly a point that my colleagues on the Standing Committee on Internal Economy, Budgets and Administration have heard me make in the past.

The practice is that committee chairmen, having obtained approval of their respective committees for a budget, bring that budget to a subcommittee of Internal Economy, the Subcommittee on Budgets, very ably chaired by our colleague Senator Furey. This subcommittee has a very difficult job. It must interview the committee chairs, and while "haggle" might be too pejorative a term to use, let me simply say that a great deal of negotiation goes into the process at that point. It is entirely appropriate, therefore, that that stage of the deliberations of the subcommittee be held *in camera*. I objected the other day, however, when the report of the Budget Subcommittee came to the full committee and we found ourselves meeting *in camera*.

Until fairly recently, the Standing Committee on Internal Economy, Budgets and Administration always met *in camera*. We changed that a few years ago, and I believe it was a change for the better. I believe firmly that once the full committee is seized of a report from the Budget Subcommittee, those deliberations ought to be held in public so that members of the Senate and members of the public who are interested will have a much fuller idea of the debate that surrounds approval of those budgets and their submission to the full Senate and of the considerations that go into those discussions.

I simply flag that as a matter that I am interested in and give notice of the fact that the next time we receive a report of the Budget Subcommittee, I will certainly move, if necessary, that the full committee proceed not *in camera* but in public.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion??

Hon. Senators: Agreed.

Motion agreed to and report adopted.

STUDY ON STATE OF HEALTH CARE SYSTEM

INTERIM REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kirby, seconded by the Honourable Senator Poulin, for the adoption of the seventeenth report of the Standing Senate Committee on Social Affairs, Science and Technology entitled: *Volume Five: Principles and Recommendations for Reform — Part I*, tabled in the Senate on April 18, 2002.—(Honourable Senator Keon).

Hon. Wilbert J. Keon: Honourable senators, I am pleased to have the opportunity to make a few remarks concerning the Seventeenth Report of the Standing Senate Committee on Social Affairs, Science and Technology.

I would like to first congratulate the members of the committee for their continuous commitment over the past two years in seeing this study to fruition. I would particularly like to congratulate Senator Kirby and Senator LeBreton for the way they conducted the business of the committee. I must say it was a pleasure to serve.

There are two things that Canadians all seem to agree on when it comes to changing our health care system: first, that every Canadian should be entitled to timely access to health care services regardless of their income; second, that no one should suffer undue financial hardship as a result of having to pay health care expenses.

Where the consensus falls apart, however, is reaching agreement on the means of achieving these objectives.

• (1440)

One of the most sensitive issues that spark debate pertains to the role of the private sector in the health care system. In fact, this is an area where there are huge misconceptions. Many believe, for example, that the Canada Health Act in some way prohibits the private sector from having a role in the provision of health care services. This is simply not true.

While the act states that we cannot have competing private insurance for "medically necessary services" and requires that the overall health system in a province be administered by a public agency, it does not prohibit a role for the private sector in the delivery of health services.

Today, the public share of health care spending in this country is approximately 68 to 72 per cent, depending on the source, with private spending accounting for 28 to 32 per cent.

In 1999, it was estimated that, on average, Canadians spent over \$850 on insurance and out-of-pocket health care costs, for a total of approximately \$26 billion. For the most part, this was related to drugs, dental services and vision care. Spending on drugs alone accounts for 31 per cent of private money, with an additional 25 per cent spent on other health care professionals such as physiotherapists and chiropractors.

Private management and delivery of health care services is evident in many parts of the health system, as seen through the domination of private nursing homes in the long-term-care facility sector, provision of home care services in several provinces provided in large part by the for-profit private sector, operation of private radiology clinics and private labs providing diagnostic services under provincial health insurance plans, and contracting out of services in hospitals to the private sector, services such as housekeeping, food services, purchasing and building management contracts.

In reality, there is a broad range of options that must be fully explored, including, for example, the merits of privately funded and privately delivered services and the merits of publicly funded and privately delivered services.

There is some progress that can be made by improving efficiency in the way health care services are currently delivered. Primary care reform, for example, is high on every provincial and territorial government's agenda. Providing comprehensive primary care through multidisciplinary group practices is seen as one way to make most effective use of health resources.

However, efficiency changes alone will be not enough to sustain the health care system in the long term. Finding new sources of financing will need to be pursued.

If one supports the argument that we need more resources to respond to all demands being placed on the health care system,

then the next question to be answered is this: What trade-offs are acceptable to Canadians? Essentially, there are three basic options. One is to ration publicly funded health care services, either by consciously deciding to make some services available and others not or by allowing waiting lists to grow. The second option is to increase government revenue, either by raising taxes directly or through other means such as health care insurance premiums. The third option is to make some services available to those who can afford to pay for them, allowing a parallel privately funded tier of health care services. These options are not mutually incompatible.

Our fifth report lists 20 principles that provide a structural framework for a reformed health care system. These include the retention of a single funder for services covered under the Canada Health Act; stability in funding; defining the federal role; new methods for remunerating hospitals with service-based funding, as opposed to the global funding they get now; formation of regional health authorities; private care reform; creation of an internal market where primary care teams would purchase health services; a strategy for provision of an adequate number of health professionals; accountability and transparency in financing; outcome and evaluation systems and a health guarantee that would define maximum waiting times and provide for treatment when they are reached.

I believe Senator LeBreton will enlarge on this when she speaks; therefore, I shall not go into that at length.

We have emphasized the need for separation of payer, provider and evaluator. I wish to emphasize this because I believe we have reached the point in Canada where we simply cannot afford not to do this. We have to separate the payer, provider and evaluator; otherwise, I do not see any way out of the conundrum we are in at the present time. The payer would be an agency of government; the evaluator, an arm's-length agency of government. This would provide for competition and flexibility in the provider component of the system.

For example, if the payer continues to see that people are not hard done by for health services, if the evaluation system is controlled by government, what difference does it make who provides the care if it is provided up to standard and at a reasonable cost?

For example, when our institutions were remunerated on a service-based formula, if private institutions could provide equal or better service to public institutions it would be reasonable to allow them the contracts.

We also recommended the implementation of regional health authorities, for a number of reasons. Recognizing their successes and failures, we believe, on balance, this would provide a framework for solving a number of problems, including our manpower problems. Manpower could be developed to meet local needs at all levels. There is no question about the serious shortage of doctors, nurses and other providers, but there is also a serious problem with doctors doing work that could be done by nurses, nurses doing work that could be done by nursing assistants, technicians doing work that could be done by clerks, et cetera. By approaching this at the local level, the issues could be addressed and the true manpower needs more closely defined.

Therefore, ensuring that medicare will be there for our children and grandchildren, and for those of us approaching old age, means getting all the cards on the table and collectively working to find answers to difficult questions. We will continue to pursue this goal.

Senator Lynch-Staunton: Well done.

On motion of Senator Cook, debate adjourned.

TRANSPORT AND COMMUNICATIONS

BUDGET—STUDY ON ISSUES FACING INTERCITY BUSING INDUSTRY— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the twelfth report of the Standing Senate Committee on Transport and Communications (budget 2002-2003), tabled in the Senate on April 25, 2002.—(*Honourable Senator Bacon*).

Hon. Donald H. Oliver: I move the adoption of the report.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, Senator Bacon wanted to move the adoption of the report, but she is not present. I have a question for Senator Oliver, who is the committee's deputy chair.

The same question was also put to the other committee chairs. Did the Standing Committee on Transport and Communications receive the full amount requested in its budget? If not, how much was its budget reduced by? Will the committee be able to complete the work it had planned for this year with the funds allocated to it?

• (1450)

[English]

Senator Oliver: Honourable senators, the committee did not receive the amount that it requested. It sought \$70,000 and received \$45,000, or 64 per cent. The committee is studying inner city busing at the request of Minister of Transport David Collenette. To date, the committee has travelled to Vancouver, Calgary, Montreal, Ottawa and Halifax to hold public hearings. It is hoped that we can complete the report and file it before the end of the year within the budget.

The Hon. the Speaker pro tempore: Honourable senators, it was moved by the Honourable Senator Oliver, seconded by the Honourable Senator Robertson, that this report be adopted now.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FOURTEENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourteenth report of the Standing Committee on Internal Economy, Budgets and Administration (increase in salary for Senate Executive Group), tabled in the Senate on April 25, 2002.—(*Honourable Senator Kroft*).

Hon. Richard H. Kroft moved the adoption of the report.

Motion agreed to and report adopted.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET—STUDY ON STATE OF HEALTH CARE SYSTEM—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighteenth report of the Standing Senate Committee on Social Affairs, Science and Technology (budget 2002-2003), tabled in the Senate on April 25, 2002.—(*Honourable Senator Kirby*).

Hon. Michael Kirby moved the adoption of the report.

He said: Honourable senators, when the Standing Senate Committee on Social Affairs, Science and Technology presented its budget, we did two things. First, we tried to be economical in terms of travel within Canada. We said that if we were to hold hearings, we would do what we have done since we began work on the health study, which is to have seven senators travel instead of the whole committee and we would rotate the members. Second, there have been no foreign fact-finding missions to date, although this budget did contain two trips for foreign fact-finding. We said that we would limit that travel to four senators, again, who would be rotated.

The important thing is to explain how the budget was constructed. The budget that was approved is everything that the committee will need to get through to the completion of its next report at the end of October.

The sizable portion of the budget for which we were not given funds relates to the following issue, which I hope this chamber will consider at the appropriate time. The committee strongly believes, consistent with the Senate practice of analyzing and responding to reports of government tasks forces, royal commissions and so on, that it would be appropriate for the Standing Senate Committee on Social Affairs, Science and Technology to hold hearings on the report of the Romanow task force once that report is tabled. Since that report is not due to be tabled until November, those hearings would occur in the first quarter of the next calendar year, or the last quarter of this fiscal year. Senator Angus was the Deputy Chairman of the

Standing Senate Committee on Banking, Trade and Commerce when the two of us, along with the members of our committee, did coast-to-coast hearings on the MacKay task force report. Out of those hearings, the Banking Committee came up with 26 or 27 recommendations, all but one of which was ultimately included in the financial institutions bill that went through Parliament four or five years ago.

Honourable senators, that is the piece that is missing from the budget. I would hope that later this year this chamber would see fit to grant the committee funds to engage public reaction and to conduct a detailed analysis of whatever recommendations end up in Mr. Romanow's report.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I should like to congratulate Senator Kirby, Senator LeBreton and their colleagues on the Standing Senate Committee on Social Affairs, Science and Technology for the work they are doing on the health study. It is a classical example of how major areas of public policy can be explicated, examined and explored by a Senate committee in a thorough fashion and at a fraction of the cost of a royal commission. Studies represent a big percentage of the Senate's budget for committees. The study being conducted into health by our colleagues on the Social Affairs Committee is being done with a fraction of the funds that have been made available to Mr. Romanow, to whom we wish every good wish in his work.

Honourable senators, a contingency plan is important for the Senate when the Romanow royal commission report is tabled. It is important that there be some follow-up. Expert knowledge will be generated by the work of the Senate committee, against which the Romanow results can be tested.

What Senator Kirby talked about a few moments ago leads me to a budget-related question as to what funds are left in the committee budget. Unfortunately, the chairman of the Internal Economy Committee is not here. Perhaps another member of that committee or Senator Kirby can answer this question: Is any money left in the global Senate committee budget that can be drawn on by other committees that may find themselves in the same situation, or have all Senate committee monies been committed in this round?

Senator Kirby: Honourable senators, first, on behalf of all members of committee, I should like to thank Senator Kinsella for his positive remarks on the work we have been doing. I should tell honourable senators, for the record, that even with the money that is now proposed in this motion that is before the Senate, the total amount of money that the Senate committee will have spent on the health care study, in the two years since we have been doing it, is slightly over \$300,000. That is an interesting number to place on the record in light of the product. If it were a productivity measure, it would not be a bad one.

The answer to the senator's direct question, I have no idea. I do not know how much money is left. I am not on the Standing Senate Committee on Internal Economy, Budgets and Administration. Senator Kroft would be the best person to answer that question.

[Senator Kirby]

[Translation]

Hon. Jean-Robert Gauthier: I have a question for the Honourable Senator Kirby. I would like to thank him for agreeing to establish a health subcommittee of the Standing Committee on Social Affairs, Science and Technology, to study the report of the Fédération des communautés francophones et acadienne du Canada on the healthcare situation in French-speaking communities outside of Quebec.

To my knowledge, the Romanow commission has not yet touched on this issue. A report was tabled and I believe that it was even forwarded to the committee. A subcommittee chaired by Senator Morin met last week to look into the issue.

I wonder if the committee currently has the funds to undertake this study, which will no doubt involve travel and research. Is there a budget set aside for this subcommittee?

[English]

Senator Kirby: Honourable senators, no, that was not included in the budget. The budget focused on the primary health care study — pardon the pun.

• (1500)

The observation is worthwhile. The corresponding document, which is likely to be referred to the committee, examines the English language health care services in the Province of Quebec. Thus, we will be looking at the minority language delivery of health care services for Francophones outside Quebec and for Anglophones in Quebec.

[Translation]

Hon. Laurier L. LaPierre: Honourable senators, to follow up on Senator Gauthier's comments, the Senate absolutely must hold town hall meetings and consult Canadians on this issue. They are the first to exercise their right to good health. If the Standing Senate Committee on Social Affairs, Science and Technology does not have the budget to hold such meetings, the report will be weaker as a result.

[English]

It is important to consult Canadians because this issue affects them. It seems that Senator Gauthier's remark about the Franco-Ontarians could be included in town hall meetings held across Canada. I would ask the honourable senator if he could see fit, should the committee award him more money to accept it.

Hon. Senators: Hear, hear!

Senator Kirby: I am more than prepared to follow the honourable senator's suggestion. If the Senate would allow the committee to hold hearings on the Romanow report dealing with the delivery of health care services to minority language groups, that would inevitably be one area of the review.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

SURVEY OF MAJOR SECURITY AND DEFENCE ISSUES

REPORT OF NATIONAL SECURITY AND DEFENCE
COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the fifth report (final) of the Standing Senate Committee on National Security and Defence entitled: Canadian Security and Military Preparedness, deposited with the Clerk of the Senate on February 28, 2002.—(*Honourable Senator Lapointe*).

Hon. W. David Angus: Honourable senators, I rise to speak to the fifth report of the Standing Senate Committee on National Security and Defence entitled, "Canadian Security and Military Preparedness," known sometimes in Maritime quarters as "the Forrestall report," and elsewhere in Canada as either "the Banks' report" or "the Kenny report."

At the outset, I would like to commend the excellent work of all members of the committee. The report clearly lays the groundwork for more substantial and extended work in the field covered by the report. The report clearly justifies the modest budget that was voted in the chamber today following Senator Kenny's motion.

Much of the work leading up to the report was done following or as a result of the September 2001 terrorist attacks on the World Trade Center and the Pentagon in the United States. Those events have changed our lives substantially and have created a new paradigm for maritime security and the efficient transportation of containerized cargoes bound for the United States. A vast quantity of that cargo passes through Canada en route to crossing the Canada-U.S. border.

Honourable senators, the events of September 11 and the subsequent all-out war on terrorism have and will continue to profoundly alter our lifestyle and the way in which we must conduct our business in the maritime industry and in the international trading world.

As we have done with previous events that brought major change to our lives and to our business environments—I think of the advent of containerization, computerization and globalization—we can and must now adapt to this change, as dynamic and gut-wrenching as it may be.

International terrorism is more deadly than computers or the unitization of cargo. It threatens our physical safety and security and it threatens our peace of mind. The necessary and inevitable consequences and reactions are threatening our established business practices and our patterns of behaviour.

Honourable senators, there is some good news, however, because suddenly, with clear attention and focus, considerable resources are being made available for dealing with some of the issues and problems that had previously been long overlooked in respect of the free flow of legitimate goods and people across our shared border with the United States. Important to all of us is the sudden, new, high priority being given by both Canadian and

American authorities alike to facilitate the safe movement of goods and people across our shared border and for the introduction of modern, state-of-the-art security measures to tighten and enhance security at our seaports and airports.

However, if we wish to remain safe, secure and free as individuals, and remain productive, competitive and economically free as well, we must take immediate steps to commit the further necessary resources in Canada to help us to adapt to this radically changed post-9/11 environment. We should not bury our heads in the sand and say that there is no problem. We must heed the warnings and make the necessary adjustments, even though initial extra costs and awkward political consequences may be involved.

[Translation]

We cannot ignore the problems. We must heed the warnings and make the necessary adjustments, even though, inevitably, there seem to be extra costs and political consequences.

[English]

Honourable senators, if we are to continue to be free, secure and economically competitive, we must do everything possible to strike a balance between the new exigencies of national security and the need to maintain our economic security. We should not overreact and exaggerate our response to security demands but we must act and react in a balanced way. We have advanced technology and other modern ways, means and methods to help us adapt.

[Translation]

Due to the new requirements, I strongly believe that, in order to remain free, safe, and economically competitive, we need to strike a balance between our national security and our economic security.

[English]

The citizens of the United States and their government are committed to, and they are deadly serious about, bringing terrorism to its knees and about preventing and obviating the risk of another catastrophic terrorist event on their own soil. They will take all possible measures to prevent dangerous chemicals, anthrax, ebola, nuclear objects and other instruments of mass destruction from crossing their borders into the U.S.A. They are not kidding.

[Translation]

Make no mistake. The Americans are totally serious and intend to do everything necessary to prevent anything like the tragedy of September 11 from happening again.

[English]

Honourable senators, has anyone in this chamber seen the tapes that were recovered from caves in Afghanistan? They depicted al-Qaeda forces shooting flaming missiles at American icons such as the President and other political leaders, as well as at sports heroes, film stars, popular singers and musical groups? Once you see this footage, you will better understand the depth of American resolve. You are all aware of the hair-raising terrorist scenarios in

respect of the maritime industry. One hesitates to even contemplate a container ship carrying a concealed nuclear device being exploded by terrorists in New York Harbor or a fully laden oil tanker being exploded in the Strait of Hormuz, closing the narrow strait and sending the world economy into a tailspin.

We must adapt or we will suffer negative consequences. This is relevant to all ports and to maritime security overall so that our ports in Halifax, Montreal and Vancouver, and others, can remain competitive and not lose traffic to such U.S. ports as Newark and Seattle. We need to become more secure in the contemporary sense. We need to remove those elements that have the potential to nurture the growth of terrorist organizations. We must invest in and employ the best available technology for the purposes of inspecting, assessing and profiling people, cargoes, ships, containers, trucks, et cetera so that we can provide the highest possible security and vigilance. If we do not do that, all Canadians will surely lose out. To preserve our economic security at the same time will be complex and will require full and complete cooperation between business and government by way of continuing dialogue on the issues. It will also require a major and immediate commitment of policy and money by the government.

• (1510)

It is at times like these that we tend to remember those important sayings of our forefathers who pioneered democracy and defined not only the virtues of freedom, but its high costs as well. Perhaps the best known and appropriate in today's world is: "Eternal vigilance is the price of liberty." These are words often attributed to Thomas Jefferson, but actually were uttered by Wendell Phillips in 1852 in a speech before the Massachusetts anti-slavery society. However, it was Jefferson who wrote in 1787:

The tree of the liberty must be refreshed from time to time with the blood of patriots and tyrants. This is its natural manure.

As well, I am confident we were all inspired by the many moving phrases of the late John F. Kennedy, including those contained in his inaugural address of January 20, 1961, such as the following, which I believe is particularly appropriate:

Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty.

Honourable senators, it is encouraging to note those measures already introduced at airports, seaports and elsewhere by way of identifying and controlling some of the many more obvious terrorist risks before us. Other key measures to address the security issues in the maritime and air industries appear to be already on the drawing boards. The joint government initiatives now under way by authorities both here in Canada and the U.S. are encouraging as well, and the involvement of the private sector in the development of policies and processes is, of course, gratifying and, I believe, essential.

However, more must be done. The \$60 million allocated so far for marine security in the December federal budget falls far short of what is really needed. Attitudes need to evolve and barriers need to be broken. Our government must do more than pay mere lip service to the pressing needs of maritime security. It should commit fully to implementing the recommendations contained in the committee's report and allocating the necessary funds and other resources to minimize the opportunities in Canada for terrorists and to shore up security now. At the same time, it must be careful not to unfairly burden ship owners and other maritime industry businesses with the costs and liabilities arising from special plans to protect our ports against the threat of terrorism. In the air industry, some of the burden of costs for security measures has been placed on the air industries and is causing them great hardship.

This is not the time for the Canadian government to waffle or dilly-dally on critical issues of security, defence and cross-border trade. Now is the time for action, leadership and cooperation with our allies, with business and law enforcement agencies. Now is not the time to rest on our laurels, to be insular and hide behind a smokescreen of illusory sovereignty issues. If we do, Canadians will surely pay dearly through diminished economic security.

Every day, a vast number of containers from abroad, ultimately destined for U.S. receivers, are trans-shipped via Canadian ports such as Vancouver, Montreal and Halifax. Should the Americans have reason to believe any of these containers are suspect, or have in any way been exposed to terrorist threats during transit, the containers will be stopped and delayed at the Canada/U.S. border. This, in turn, will lead to congestion and the border becoming a barrier against the free flow of goods and people, with the potential to eventually choke off Canadian exports and to stem the flow of foreign direct investment into Canada. Without easy access to the U.S. market, businesses will be reluctant to establish operations here in Canada. The reality is that the ability of Canadian exporters to meet contracted delivery schedules set by U.S. customers has significant implications for Canada's prosperity as a nation. In other words, if our ports are not safe and secure for the transit of containers and other cargos destined for the U.S.A., the consequences of our economic security could be significantly negative.

Honourable senators, there is clearly an awareness in industry and amongst government officials of the challenges which lie ahead. All is not negative and bad news at this time. There is an awareness of the needs to be met if we are to succeed in striking the security balance I have referred to. We should be especially pleased that Canadian customs inspectors will soon be equipped with a number of VACIS scanners, enabling them to make more effective inspections of containers passing through our ports. Let us hope that sufficient government funding will be made available so these same officers will have those other state of the art tools they need to do the highly technical searches required to help defend us against terrorist attacks.

In earlier times, before income tax became the key source of government funds, our customs officers at the Canada/U.S. border and elsewhere were primarily on the lookout for smuggled goods so they could optimise their collection of duties, which were then such a key element of national revenue. Later, during the 1960s, seventies, eighties, and even into the nineties, narcotic

drugs became the main threat for customs. Nowadays, and especially since the September 11 catastrophe, their focus is much more diverse, as they must target a wide variety of non-traditional threats, which they categorize under the letters CBRNE. That is to say, chemical, biological, radioactive, nuclear and explosive. Honourable senators, the paradigm has changed. The focus is now security against the tools of mass destruction. We must ensure we equip our inspectors with the best technology available, plus proper police and military back-up, so they can do their work efficiently and on at least a level playing field with the forces of evil.

As honourable senators know, the Standing Senate Committee on National Security and Defence states that during its investigations, the committee heard allegations that, organized crime organizations are generally active within the ports of Montreal, Halifax and Vancouver, and that an extraordinarily large proportion of Canadian port employees have criminal records. As well, the committee was told that criminal activity in these ports is uncontrolled. There are numerous security lapses in the ports; including the lack of adequate fencing and the absence of either effective pass systems or comprehensive background checks on people who work at Canadian ports or have access to them.

The theft of containers and physical threats by dock workers against customs inspectors checking on the contents of containers have become chronic problems in the ports, and the senators were told many of the thefts are never even reported.

With respect to one of the ports, Vancouver, the senators were told that all traditional crime elements have infiltrated that port, including the Hells Angels, Asian triads, Russian gangsters and Mexican and Colombian narco-terrorists. The committee operated on the dual premises that ensuring the security of Canadian ports has become a prerequisite for their economic viability and that organised crime provides a fertile ground for terrorist activity.

As a consequence, the committee concluded that the conditions in Canada's three main ports —

The Hon. the Speaker: Senator Angus, I am sorry to interrupt, but I must advise that your time has expired.

Senator Angus: May I have leave to continue?

The Hon. the Speaker: Honourable senators, is leave granted?

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I am prepared to allow the honourable senator the time required to complete his remarks.

[English]

Senator Angus: They concluded that the conditions in our three main ports create national security problems which must be addressed both in the interests of economic viability of the ports themselves, and the security of Canadians and our North American neighbours generally.

Amongst the committee report's several strong and constructive recommendations was No. 8 at page 129, which recommends that a public inquiry under the Inquiries Act into significant ports be established as soon as possible with a mandate that would include six elements relating to examining the degree of control that organized crime has over Canadian seaport operations, as well as the relationship between such control and threats to our national security.

The committee's report became controversial soon after its tabling here in the Senate in late February. A number of port and customs officials, as well as port users and customers, in Vancouver, Montreal and Halifax lambasted the report, claiming, among other things, that it was based on hearsay, and denying that crime was rampant in any of these three named ports.

Herein lies an important misunderstanding. The committee's study which lead to the report did not purport to make findings of fact. Indeed, its mandate was to "conduct an introductory survey of the major security and defence issues facing Canada with a view to preparing a detailed work plan for future comprehensive studies."

• (1520)

In the course of conducting the requisite survey, the senators heard strong and disturbing statements from credible law enforcement officers about crime and security lapses in the ports. They did not conduct formal hearings to check out all of these allegations. Rather, they issued their report to "raise security questions" that merited further study.

Senator Kenny stated the following in response to these criticisms:

We don't come out as a bunch of crime busters, but we can see that there is a potential for security risk in the ports. We're saying, "Here's what we heard. We think somebody should look into it."

Honourable senators, the report suggests that organized crime is back in business in all our major ports. There is a bit of déjà vu because, back in the 1960s, there were allegations of organized crime, loan sharks and all the worst elements in our ports, particularly in Montreal. The port managers pooh-poohed these allegations. There was a call to the government for an inquiry. The inquiry was held under the leadership of the Honourable Mr. Justice A.I. Smith under the Public Inquiries Act. What did they find? They found that organized crime was rampant in the Port of Montreal. I detect a parallel in the current situation, and I believe that the stakes now are significantly higher than they were then. The price of tolerating the status quo likely will be the ultimate failure of our ports from an economic and competitive standpoint. The time for action is now. The need is critical.

Honourable senators, the report from the Standing Senate Committee on National Security and Defence has been public for just under three months. Nothing has been done about it. It is under study. The government leader in this chamber has said, in response to serious questions from many senators, that it is under study. However, therein lies the problem.

My urgent challenge to the government today is to not let the clear warnings of this committee report fall on deaf ears. Do not let this report disappear down a black hole into oblivion. Act now without further foolhardy and potentially fatal delays. Accept committee recommendation No. 8 now by establishing a public inquiry under the Public Inquiries Act to review security of Canada's major ports of Halifax, Montreal and Vancouver.

Hon. Norman K. Atkins: I move adjournment of the debate.

The Hon. the Speaker: I believe that Senator Lapointe had indicated a desire to speak.

Hon. Jean Lapointe: Honourable senators, I will not speak today.

The Hon. the Speaker: I will accept the motion.

Is it your pleasure, honourable senators, to adopt the motion?

[Translation]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators. I would like to know whether Senator Lapointe can give us any indication of when he will be speaking on this?

Senator Lapointe: When it will be convenient, honourable senators!

[English]

On motion of Senator Atkins, debate adjourned.

STUDY ON MATTERS RELATING TO FISHING INDUSTRY

REPORT OF FISHERIES COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Johnson, for the adoption of the fifth report of Standing Senate Committee on Fisheries entitled: *Selected Themes on Canada's Freshwater and Northern Fisheries*, tabled in the Senate on February 19, 2002.—(Honourable Senator Adams).

Hon. Willie Adams: Honourable senators, I wish to support the speech made by the Honourable Senator Comeau last week regarding the report of the Standing Senate Committee on Fisheries. In the last year, the committee went to Nunavut and the Northwest Territories. We visited Yellowknife, Inuvik, Tuktoyaktuk and Broughton Island.

I was pleased that members of the committee visited Nunavut. It is not often we share our northern hospitality with such important guests. We met with members of local organizations and learned from them the problems and visions they have

regarding the fishing industry in the territory. We were told that there is great potential for this industry.

The people of Nunavut are starting to do commercial fishing. Our people are not equipped like the people down South or those on the East Coast. They have big draggers and other types of equipment.

Our fishers cannot compete given the quotas set out by the Department of Fisheries and Oceans. Even if the quotas were good, some fishers do not have the necessary equipment.

One of our challenges is the quota system. Nunavut has access to a very large body of water and many fishing ships also have access to this area. Quotas allotted to Nunavut fishermen are quite low as compared to quotas for southern fishermen.

In 1999, Nunavut Tunngavik Inc. took the federal government to court to impress upon it to increase the turbot quotas off South Baffin Island after an earlier ruling also said the quotas were acceptable. In October 2001, the Supreme Court determined that the quotas would not be increased.

The turbot allocation for Nunavut fishers is currently 27 per cent of the total resource in the area off South Baffin Island. In 2001, fishers had access to 100 per cent or 4,000 tonnes of the Canadian share of turbot further up into Baffin Bay. This area has now become a desirable area in which to fish, and Nunavut stands to lose its quota.

At the time of the land claims settlement, the Government of Canada did not have a policy for the people of Nunavut. I remember that at that time we were negotiating with the Nunavut government. We went to meet people. We did not have a place to negotiate with the DFO in Ottawa. We found out that DFO had an office in Newfoundland for those fishers.

It is difficult to negotiate something in the community. We would like to have some benefit in the future. Fishermen down South usually get a subsidy from the government to buy equipment.

We found out that the Government of Canada did not have a policy for the native people. In Nunavut, we are hunting and fishing in the community for the community. The Government of Canada finally recognized that we were commercial fishermen. They had figured that we were living off the land.

I have here information regarding the turbot fishery. Nunavut has access to 27 per cent of the total turbot quota. The remaining 73 per cent of the quota is for people who come from the South and the rest of Canada. The same thing is true with the shrimp quotas. Nunavut was given a figure of 6 per cent for shrimp fishing; Newfoundland, 70 per cent; Quebec, 12 per cent; Nova Scotia, 7 per cent; P.E.I., 1 per cent; and New Brunswick, 4 per cent. My estimate is that the people in the South received approximately 94 per cent and those of us in Nunavut received only 6 per cent. It is difficult to know the percentage of profits that people in the community actually see.

[Senator Angus]

The shrimp example can also be applied to turbot fishing. Nunavut receives around 27 per cent of the quotas for turbot fishing. Financially, 27 percent works out to about \$2 million to \$2.5 million in revenue for Nunavut from turbot fishing. It is estimated that commercial fishing in Nunavut is worth \$14 million to \$24 million.

Between turbot and shrimp fishing, no more than \$4 million or \$5 million goes to the community.

Of the 27 communities in Nunavut, most are found along the coast. The population of Nunavut is somewhere around 30,000. Senator Comeau has indicated that of that population, 50 per cent have an average age of 25 years or younger.

I live in the region of Rankin Inlet. A large portion of 14- and 15-year-olds in Nunavut have children of their own. My nephew's daughter had a child when she was 13. Her child is now 6 years of age, and she is 19. That is one of the reasons why young people in Nunavut have such difficulty getting jobs.

In the future, I hope that we will have a report that will make recommendations for the people, especially in Nunavut and Nunavik. In the meantime, I hope that this committee's report will be adopted.

The people in the communities of Nunavut are concerned about their situation. I hope that the government will recognize that the people of Nunavut need help to get into business. They need help from the people in the South. Nunavut sees 70 per cent of its fisheries money going south to work. We never have a chance to pull in the kind of fish percentages caught in Nova Scotia, B.C. or elsewhere.

People from the East and down South have an opportunity to make money on the quotas. Our people do not have the same opportunities because we have no equipment. I hope that, in the future, honourable senators, we will address the problems of Nunavut.

On motion of Senator Watt, debate adjourned.

BANKING, TRADE AND COMMERCE

BUDGET—STUDY ON DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM— REPORT OF COMMITTEE—DEBATE ADJOURNED

Leave having been given to revert to Reports from Standing or Special Committees.

The Senate proceeded to consideration of the fifteenth report of the Standing Senate Committee on Banking, Trade and (budget 2002-2003) presented in the Senate on April 30, 2002.—(*Honourable Senator Kolber*).

Hon. E. Leo Kolber moved the adoption of the report.

Hon. Terry Stratton: Honourable senators, did the Standing Senate Committee on Banking, Trade and Commerce receive approval for its full budget? If it did not receive approval of the full budget, what percentage of the full budget was received? Is the chairman of that committee willing and prepared to live with that budget for the rest of this fiscal year?

Senator Kolber: Honourable senators. I wish I could answer that question, but I do not know the answer. I can advise the honourable senator what the budget is for though, if he is interested.

Senator Stratton: Honourable senators, no doubt the request for monies was based on good and valid reasons. However, I should like to know if the budget was approved at full value. I should like to know if the budget was reduced and, if so, by how much? If the figures in the budget were reduced, is the chairman prepared to live with that budget for the next fiscal year?

If the chairman is unable to answer those questions, I suggest that perhaps he adjourn the debate and return to the discussion when he is able to supply those answers.

Senator Kolber: Honourable senators. I do not know that I will ever say that we are prepared to live with the budget for the rest of the year. Like most committees, this is an ongoing process. We are starting a study on Enron that we did not anticipate six months ago. I do not know how far in advance one can anticipate.

I will try to obtain the answers to the questions asked and I shall report back to the chamber.

On motion of Senator Stratton, debate adjourned.

• (1540)

[Translation]

ROLE OF CULTURE IN CANADA

INQUIRY

On the Order:

Resuming debate on the inquiry of the Honourable Senator Gauthier calling the attention of the Senate to the important role of culture in Canada and the image that we project abroad.—(*Honourable Senator Lapointe*).

Hon. Jean Lapointe: Honourable senators, as you know, it is late and I will be brief.

Honourable senators, he was the first Canadian to break through the impenetrable wall of the French song world, and his name was Félix Leclerc. He was my friend. Throughout France, Switzerland, Belgium and other French-speaking countries, he was known as that Canadian, Félix Leclerc. It was the finest thing he was ever called.

Indefatigable, he paved the way for Gilles Vigneault, Roch Voisine, Isabelle Boulay, Richard Desjardins, Linda Lemay, Garou and that undisputed queen of international song, Céline Dion. I could name many others, but you know my chronic aversion to wasting time.

When Félix came back from France, he had taken a different fork in the road politically but, despite our differences of opinion, we remained very good friends up until his death. We sometimes had some rather heated discussions, but never without mutual respect. As Jacques Brel put it in *Le Moribond*, "We set out from different shores, but were headed for the same port."

How many Canadian artists have made a name for themselves internationally in various fields? In literature: Antonine Maillet, recipient of the much-coveted Prix Goncourt, Anne Hébert, Marie-Claire Blais, Yves Thériault and many more. How many internationally renowned actors has Canada produced? I am thinking of Geneviève Bujold, Lorne Greene, Donald Sutherland, Dan Ackroyd, Michael J. Fox, and so on. In painting, what about the success abroad of Riopelle, Pellán, Colville, Morrice, Lemieux, Fortin, the Group of Seven, and others?

In the category of entertainment extravaganzas, we have *Starmania* and *Notre-Dame de Paris*, with lyrics by Plamondon. And what about the world-wide success of the Cirque du Soleil? I have given these examples of Canadian successes because I wanted to show just how important a role Canadian culture could play in the world.

When I was a child, my old father told me: "Son, remember that the wealth of a country lies in its soil and in its culture." I remembered his advice. Over the years, I came to realize how right my father was. This is why I believe it is imperative — and I stress the word "imperative" — that the Senate create a standing committee on culture, to ensure for years to come the promotion of Canadian talent, both at home and abroad.

The Hon. the Speaker: If no other senator wishes to speak on this inquiry, it shall be considered to have been debated.

[English]

STATUS OF LEGAL AID PROGRAM

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck calling the attention of the Senate to the status of legal aid in Canada and the difficulties experienced by many low-income Canadians in acquiring adequate legal assistance, for both criminal and civil matters.—(Honourable Senator Spivak).

Hon. Donald H. Oliver: Honourable senators, in the absence of Senator Spivak, this being the fifteenth day, I rise to make a few comments about the importance of legal aid in Canada. I congratulate Senator Callbeck for taking the initiative to bring this inquiry forward. It is a timely and important topic.

I first became involved directly in legal aid as a volunteer in 1965 shortly after I was admitted to the bar in Nova Scotia. At that time, there was a practice, as I recall it now, that the 52 most junior members of the bar had to give free legal services for two

weeks a year. I took on dozens of cases at that time and got my feet wet in the courts, and that led to my 36-year career as a civil litigator.

As I will note later on, a number of Canadians are entitled to representation before the courts and cannot afford it.

Our provincial bar societies are self-regulated, and perhaps it is time for them to have a look again at the contribution societies can make to our legal aid system in Canada. I feel it is extremely important that all lawyers provide some pro bono assistance as part of their professional commitment to society.

In Senator Callbeck's inquiry, honourable senators will note that she is looking at the status of legal aid in Canada and the difficulties experienced by many low-income Canadians in acquiring adequate legal assistance for both criminal and civil matters. Certainly, the most important cause is in criminal matters.

In Nova Scotia today, we have at Dalhousie Law School a legal aid clinic that is a community service of the university. The Nova Scotia Law Foundation, a foundation set up to hand out money that is raised on the trust accounts of lawyers in the province, of which I am a member, is a strong supporter of Dalhousie Legal Aid Service. In recent years, that particular service has done a series of test cases in the courts in litigation, including challenges to the cohabitation rule; family benefits shelter allowance for disabled persons who live with family; freedom of information and privacy; family benefits/social assistance consent to release of information forms; National Child Benefit clawback; association of single parent students; exercise of discretion in denying special needs applications; admission and treatment under the Hospitals Act, and many more.

In the test case on the admission and treatment under the Hospitals Act, for instance, it is interesting to note that the action was commenced in 1994. It tested a number of sections of our Canadian Charter of Rights and Freedoms. There were two issues sought to be addressed in that case. The first was breach of the client's rights, in particular under section 7, security of the person; section 9, arbitrary detention; section 10, right to counsel; and section 12, cruel and unusual treatment. The students were seeking a declaration that these rights were breached during an inappropriate admission and treatment of a patient. They were also seeking a declaration that various sections of the Hospitals Act are of no force and effect as they are inconsistent with the Charter of Rights enumerated above.

This work is done through a clinical law course at Dalhousie Law School. Under the educational mandate at the Dalhousie Legal Aid Society, third-year students are provided with an extensive four-month, hands-on learning experience.

At the heart of our legal system is the adversarial process, a process that tests the merits of a legal aid case in the fire of reasoned debate within a restrictive regime. The limits are generally well understood by the primary players, and their remuneration reflects, in large measure, the skill and experience they bring to the task.

[Senator Lapointe]

Unfortunately, as Senator Callbeck's inquiry suggests, many Canadians find that their ability to get effective access to our legal system is hindered by the sheer cost involved. For many, it is simply out of reach without some form of assistance. Legal aid is one form of assistance that has been made available by provincial governments across the country.

There is no doubt that governments have an obligation to ensure that legal proceedings are fair, particularly when there is significant risk to the freedoms of the individual involved. However, for most civil actions, and where less serious criminal offences are involved, legal aid may not be available at all.

In recent years, government cutbacks at the provincial level have left lawyers viewing legal aid work as more akin to pro bono work than as a legitimate portion of their income. In Ontario, the hourly rate has not risen since 1987, the number of hours a lawyer can charge has declined, and there are more severe restrictions on qualification for legal aid than was previously the case.

• (1550)

To raise awareness of the problem, defence lawyers in Ottawa boycotted criminal courts for a week, two or three weeks ago. Lawyers in other provinces have raised similar concerns this year, notably in Alberta and British Columbia.

Provincial governments are struggling to cope with the various financial demands placed upon them. There is little doubt that federal cuts to transfer payments have exacerbated the situation. With the administration of justice falling clearly within the constitutional realm of the provinces, the role of the federal government has been relatively limited. It has been argued that national standards should be put in place with federal government participation following a path similar to that of our health care system, including a funding formula.

While throwing money at a problem is an inherently attractive approach because so many people believe that problems can

readily be solved that way, we only have to look at the serious difficulties that currently mire our health care system.

I have great admiration for the adversarial process, which has a lengthy, proven track record as an effective means of searching out the facts while protecting the rights of those involved in it.

In conclusion, there is another possibility. I hope that provincial governments will take a closer look at what is called ADR — alternative dispute resolution mechanisms — along the lines of mediation and arbitration, to deal with many cases regarded as being less serious in nature than some of the major criminal cases. While such alternatives are not likely to be implemented or widely accepted overnight, they are likely to be less expensive than the current court system and may well prove to be more effective.

On motion of Senator Day, debate adjourned.

[Translation]

NATIONAL SECURITY AND DEFENCE

MOTION TO EXTEND DATE OF FINAL REPORT OF SUBCOMMITTEE ON VETERANS AFFAIRS STUDY ON VETERANS HEALTH CARE ADOPTED

Hon. Michael A. Meighen, pursuant to notice of April 30, 2002, moved:

That, notwithstanding the Order of the Senate adopted on October 4, 2001, the Standing Senate Committee on National Security and Defence, which was authorized to examine and report upon the health care provided to veterans, be empowered to present its final report no later than October 31, 2002.

Motion agreed to.

The Senate adjourned until Thursday May 2, 2002, at 1:30 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

THE HONOURABLE DANIEL P. HAYS

THE LEADER OF THE GOVERNMENT

THE HONOURABLE SHARON CARSTAIRS, P.C.

THE LEADER OF THE OPPOSITION

THE HONOURABLE JOHN LYNCH-STANTON

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

PAUL BÉLISLE

DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES

GARY O'BRIEN

LAW CLERK AND PARLIAMENTARY COUNSEL

MARK AUDCENT

USHER OF THE BLACK ROD (ACTING)

BLAIR ARMITAGE

THE MINISTRY

According to Precedence

(May 1, 2002)

The Right Hon. Jean Chrétien	Prime Minister
The Hon. David M. Collette	Minister of Transport
The Hon. David Anderson	Minister of the Environment
The Hon. Ralph E. Goodale	Leader of the Government in the House of Commons Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians
The Hon. Sheila Copps	Minister of Canadian Heritage
The Hon. John Manley	Deputy Prime Minister and Minister of Infrastructure and Crown Corporations
The Hon. Paul Martin	Minister of Finance
The Hon. Arthur C. Eggleton	Minister of National Defence
The Hon. Anne McLellan	Minister of Health
The Hon. Allan Rock	Minister of Industry
The Hon. Lawrence MacAulay	Solicitor General of Canada
The Hon. Lucienne Robillard	President of the Treasury Board
The Hon. Martin Cauchon	Minister of Justice and Attorney General of Canada
The Hon. Jane Stewart	Minister of Human Resources Development
The Hon. Stéphane Dion	President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs
The Hon. Pierre Pettigrew	Minister of International Trade
The Hon. Don Boudria	Minister of Public Works and Government Services
The Hon. Lyle Vancilief	Minister of Agriculture and Agri-Food
The Hon. Herb Dhaliwal	Minister of Natural Resources
The Hon. Claudette Bradshaw	Minister of Labour and Secretary of State (Multiculturalism) (Status of Women)
The Hon. Robert Daniel Nault	Minister of Indian Affairs and Northern Development
The Hon. Elinor Caplan	Minister for National Revenue
The Hon. Denis Coderre	Minister of Citizenship and Immigration
The Hon. Sharon Carstairs	Leader of the Government in the Senate
The Hon. Robert G. Thibault	Minister of Fisheries and Oceans
The Hon. Rey Pagtakhan	Minister of Veterans Affairs
The Hon. William Graham	Minister of Foreign Affairs
The Hon. Susan Whelan	Minister for International Cooperation
The Hon. Gerry Byrne	Minister of State (Atlantic Canada Opportunities Agency)
The Hon. Ethel Blondin-Andrew	Secretary of State (Children and Youth)
The Hon. David Kilgour	Secretary of State (Asia-Pacific)
The Hon. Andrew Mitchell	Secretary of State (Rural Development) (Federal Economic Development Initiative for Northern Ontario)
The Hon. Maurizio Bevilacqua	Secretary of State (Science, Research and Development)
The Hon. Paul DeVillers	Secretary of State (Amateur Sport) and Deputy Leader of the Government in the House of Commons
The Hon. Gar Knutson	Secretary of State (Central and Eastern Europe and Middle East)
The Hon. Denis Paradis	Secretary of State (Latin America and Africa) (Francophonie)
The Hon. Claude Drouin	Secretary of State (Economic Development Agency of Canada for the Regions of Quebec)
The Hon. John McCallum	Secretary of State (International Financial Institutions)
The Hon. Stephen Owen	Secretary of State (Western Economic Diversification) (Indian Affairs and Northern Development)

SENATORS OF CANADA

ACCORDING TO SENIORITY

(May 1, 2002)

Senator	Designation	Post Office Address
THE HONOURABLE		
Herbert O. Sparrow	Saskatchewan	North Battleford, Sask.
Edward M. Lawson	Vancouver	Vancouver, B.C.
Bernard Alasdair Graham, P.C.	The Highlands	Sydney, N.S.
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
C. William Doody	Harbour Main-Bell Island	St. John's, Nfld.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pittfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
E. Leo Kolber	Victoria	Westmount, Que.
Michael Kirby	South Shore	Halifax, N.S.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto-Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Daniel Phillip Hays, <i>Speaker</i>	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Brenda Mary Robertson	Riverview	Shediac, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland	Port-au-Port, Nfld.
Eileen Rossiter	Prince Edward Island	Charlottetown, P.E.I.
Mira Spivak	Manitoba	Winnipeg, Man.
Roch Bolduc	Gulf	Sainte-Foy, Que.
Gérald-A. Beaudoin	Rigaud	Hull, Que.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Church Point, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton, N.B.
John Buchanan, P.C.	Nova Scotia	Halifax, N.S.
John Lynch-Staunton	Grandville	Georgeville, Que.
James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie, Ont.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth, N.S.
Janis G. Johnson	Winnipeg-Interlake	Winnipeg, Man.
A. Raynell Andreychuk	Regina	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.

ACCORDING TO SENIORITY

Senator	Designation	Post Office Address
THE HONOURABLE		
André Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton	Ontario	Manotick, Ont.
Harry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Jose Bacon	De la Durantaye	Laval, Que.
Marion Carstairs, P.C.	Manitoba	Victoria Beach, Man.
London Pearson	Ontario	Ottawa, Ont.
Alan-Robert Gauthier	Ottawa-Vanier	Ottawa, Ontario
John G. Bryden	New Brunswick	Bayfield, N.B.
Jose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Éline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	Labrador	North West River, Labrador, Nfld.
Norma Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Dirley Maheu	Rougemont	Saint-Laurent, Que.
Nicholas William Taylor	Sturgeon	Chestermere, Alta.
Wilfred P. Moore	Stanhope St./Bluenose	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Ermand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Marisa Ferretti Barth	Repentigny	Pierrefonds, Que.
Berge Joyal, P.C.	Kennebec	Montreal, Que.
Helma J. Chalfoux	Alberta	Morinville, Alta.
Alan Cook	Newfoundland	St. John's, Nfld.
Boss Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Francis William Mahovlich	Toronto	Toronto, Ont.
Richard H. Kroft	Manitoba	Winnipeg, Man.
Douglas James Roche	Edmonton	Edmonton, Alta.
Alan Thorne Fraser	De Lorimier	Montreal, Que.
André Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Yvonne Poy	Toronto	Toronto, Ont.
Heidi Christensen	Yukon Territory	Whitehorse, Y.T.
George Furey	Newfoundland and Labrador	St. John's, Nfld.
Jack G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Robert Finnerty	Ontario	Burlington, Ont.
John Wiebe	Saskatchewan	Swift Current, Sask.
Tommy Banks	Alberta	Edmonton, Alta.
Gene Cordy	Nova Scotia	Dartmouth, N.S.
Raymond C. Setlakwe	The Laurentides	Thetford Mines, Que.
Yves Morin	Lauson	Quebec, Que.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Tom Tunney	Ontario	Grafton, Ont.
Aurier L. LaPierre	Ontario	Ottawa, Ont.
Yola Léger	New Brunswick	Moncton, N.B.
Robina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Alan Lapointe	Saurel	Magog, Que.
Erard A. Phalen	Nova Scotia	Glace Bay, N.S.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
Michel Biron	Mille Isles	Nicolet, Que.
Donald J. Duhamel, P.C.	Manitoba	St. Boniface, Man.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld.
Raymond Lavigne	Montarville	Verdun, Que.

SENATORS OF CANADA

ALPHABETICAL LIST

(May 1, 2002)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Lib
Andreychuk, A. Raynell	Regina	Regina, Sask.	PC
Angus, W. David	Alma	Montreal, Que.	PC
Atkins, Norman K.	Markham	Toronto, Ont.	PC
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Lib
Bacon, Lise	De la Durantaye	Laval, Que.	Lib
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld.	Lib
Banks, Tommy	Alberta	Edmonton, Alta.	Lib
Beaudoin, Gérald-A.	Rigaud	Hull, Que.	PC
Biron, Michel	Mille Isles	Nicolet, Que.	Lib
Bolduc, Roch	Gulf	Sainte-Foy, Que.	PC
Bryden, John G.	New Brunswick	Bayfield, N.B.	Lib
Buchanan, John, P.C.	Halifax	Halifax, N.S.	PC
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Lib
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	PC
Carstairs, Sharon, P.C.	Manitoba	Victoria Beach, Man.	Lib
Chalifoux, Thelma J.	Alberta	Morinville, Alta.	Lib
Christensen, Ione	Yukon Territory	Whitehorse, Y.T.	Lib
Cochrane, Ethel	Newfoundland	Port-au-Port, Nfld.	PC
Comeau, Gerald J.	Nova Scotia	Church Point, N.S.	PC
Cook, Joan	Newfoundland	St. John's, Nfld.	Lib
Cools, Anne C.	Toronto-Centre-York	Toronto, Ont.	Lib
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Lib
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Lib
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Lib
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Lib
Di Nino, Consiglio	Ontario	Downsview, Ont.	PC
Doody, C. William	Harbour Main-Bell Island	St. John's, Nfld.	PC
Duhamel, Ronald J., P.C.	Manitoba	St. Boniface, Man.	Lib
Eyton, J. Trevor	Ontario	Caledon, Ont.	PC
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Lib
Ferretti Barth, Marisa	Repentigny	Pierrefonds, Que.	Lib
Finnerty, Isobel	Ontario	Burlington, Ont.	Lib
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Lib
Forrestall, J. Michael	Dartmouth and the Eastern Shore	Dartmouth, N.S.	PC
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Lib
Furey, George	Newfoundland and Labrador	St. John's, Nfld.	Lib
Gauthier, Jean-Robert	Ottawa-Vanier	Ottawa, Ont.	Lib
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Lib
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.	Lib
Graham, Bernard Alasdair, P.C.	The Highlands	Sydney, N.S.	Lib
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	PC
Hays, Daniel Phillip, <i>Speaker</i>	Calgary	Calgary, Alta.	Lib
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Lib
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Lib
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Lib
Johnson, Janis G.	Winnipeg-Interlake	Winnipeg, Man.	PC
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Lib
Kelleher, James Francis, P.C.	Ontario	Sault Ste. Marie, Ont.	PC
Kenny, Colin	Rideau	Ottawa, Ont.	Lib
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	PC
Kinsella, Noël A.	Fredericton-York-Sunbury	Fredericton, N.B.	PC

SENATORS OF CANADA

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
oy, Michael	South Shore	Halifax, N.S.	Lib
ber, E. Leo	Victoria	Westmount, Que.	Lib
ft, Richard H.	Manitoba	Winnipeg, Man.	Lib
ierre, Laurier L.	Ontario	Ottawa, Ont.	Lib
ointe, Jean	Saurel	Magog, Que.	Lib
igne, Raymond	Montarville	Verdun, Que.	Lib
son, Edward M.	Vancouver	Vancouver, B.C.	Ind
reton, Marjory	Ontario	Manotick, Ont.	PC
er, Viola	New Brunswick	Moncton, N.B.	Lib
ier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Lib
ch-Staunton, John	Grandville	Georgeville, Que.	PC
neu, Shirley	Rougemont	Saint-Laurent, Que.	Lib
novlich, Francis William	Toronto	Toronto, Ont.	Lib
ghen, Michael Arthur	St. Marys	Toronto, Ont.	PC
ne, Lorna	Peel County	Brampton, Ont.	Lib
ore, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.	Lib
rin, Yves	Lauzon	Quebec, Que.	Lib
rray, Lowell, P.C.	Pakenham	Ottawa, Ont.	PC
in, Pierre Claude	De Salaberry	Quebec, Que.	PC
ver, Donald H.	Nova Scotia	Halifax, N.S.	PC
erson, Landon	Ontario	Ottawa, Ontario	Lib
in, Lucie	Shawinigan	Montreal, Que.	Lib
len, Gerard A.	Nova Scotia	Glace Bay, N.S.	Lib
ield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Ind
lin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Lib
, Vivienne	Toronto	Toronto, Ont.	Lib
d'homme, Marcel, P.C.	La Salle	Montreal, Que.	Ind
est, Jean-Claude	Stadacona	Quebec, Que.	PC
bertson, Brenda Mary	Riverview	Shediac, N.B.	PC
oichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Lib
he, Douglas James.	Edmonton	Edmonton, Alta.	Ind
mpkey, William H., P.C.	Labrador	North West River, Labrador, Nfld.	Lib
siter, Eileen	Prince Edward Island	Charlottetown, P.E.I.	PC
Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	CA
akwe, Raymond C.	The Laurentides	Thetford Mines, Que.	Lib
beston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Lib
row, Herbert O.	Saskatchewan	North Battleford, Sask.	Lib
vak, Mira	Manitoba	Winnipeg, Man.	PC
llery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Lib
utton, Terrance R.	Red River	St. Norbert, Man.	PC
lor, Nicholas William	Sturgeon	Chestermere, Alta.	Lib
chuk, David	Saskatchewan	Saskatoon, Sask.	PC
ney, Jim	Ontario	Grafton, Ont.	Lib
st, Charlie	Inkerman	Kuujuuaq, Que.	Lib
ebe, John	Saskatchewan	Swift Current, Sask.	Lib

SENATORS OF CANADA
BY PROVINCE AND TERRITORY
(May 1, 2002)

ONTARIO—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Peter Alan Stollery	Bloor and Yonge	Toronto
3 Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4 Jeremiah S. Grafstein	Metro Toronto	Toronto
5 Anne C. Cools	Toronto-Centre-York	Toronto
6 Colin Kenny	Rideau	Ottawa
7 Norman K. Atkins	Markham	Toronto
8 Consiglio Di Nino	Ontario	Downsview
9 James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie
10 John Trevor Eyton	Ontario	Caledon
11 Wilbert Joseph Keon	Ottawa	Ottawa
12 Michael Arthur Meighen	St. Marys	Toronto
13 Marjory LeBreton	Ontario	Manotick
14 Landon Pearson	Ontario	Ottawa
15 Jean-Robert Gauthier	Ottawa-Vanier	Ottawa
16 Lorna Milne	Peel County	Brampton
17 Marie-P. Poulin	Northern Ontario	Ottawa
18 Francis William Mahovlich	Toronto	Toronto
19 Vivienne Poy	Toronto	Toronto
20 Isobel Finnerty	Ontario	Burlington
21 Jim Tunney	Ontario	Grafton
22 Laurier L. LaPierre	Ontario	Ottawa
23		
24		

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
E. Leo Kolber	Victoria	Westmount
Charlie Watt	Inkerman	Kuujuaq
Pierre De Bané, P.C.	De la Vallière	Montreal
Roch Bolduc	Gulf	Sainte-Foy
Gérald-A. Beaudoin	Rigaud	Hull
John Lynch-Staunton	Grandville	Georgeville
Jean-Claude Rivest	Stadacona	Quebec
Marcel Prud'homme, P.C.	La Salle	Montreal
W. David Angus	Alma	Montreal
Pierre Claude Nolin	De Salaberry	Quebec
Lise Bacon	De la Durantaye	Laval
Céline Hervieux-Payette, P.C.	Bedford	Montreal
Shirley Maheu	Rougemont	Ville de Saint-Laurent
Lucie Pépin	Shawinigan	Montreal
Marisa Ferretti Barth	Repentigny	Pierrefonds
Serge Joyal, P.C.	Kennebec	Montreal
Joan Thorne Fraser	De Lorimier	Montreal
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
Raymond C. Setlakwe	The Laurentides	Thetford Mines
Yves Morin	Lauzon	Quebec
Jean Lapointe	Saurel	Magog
Michel Biron	Mille Isles	Nicolet
Raymond Lavigne	Montarville	Verdun

SENATORS BY PROVINCE—MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Bernard Alasdair Graham, P.C.	The Highlands	Sydney
2 Michael Kirby	South Shore	Halifax
3 Gerald J. Comeau	Nova Scotia	Church Point
4 Donald H. Oliver	Nova Scotia	Halifax
5 John Buchanan, P.C.	Halifax	Halifax
6 J. Michael Forrestall	Dartmouth and Eastern Shore ..	Dartmouth
7 Wilfred P. Moore	Stanhope St./Bluenose	Chester
8 Jane Cordy	Nova Scotia	Dartmouth
9 Gerard A. Phalen	Nova Scotia	Glace Bay
10		

NEW BRUNSWICK—10

THE HONOURABLE		
1 Eymard Georges Corbin	Grand-Sault	Grand-Sault
2 Brenda Mary Robertson	Riverview	Shediac
3 Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton
4 John G. Bryden	New Brunswick	Bayfield
5 Rose-Marie Losier-Cool	Tracadie	Bathurst
6 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
7 Viola Léger	New Brunswick	Moncton
8 Joseph A. Day	Saint John-Kennebecasis	Hampton
9		
10		

PRINCE EDWARD ISLAND—4

THE HONOURABLE		
1 Eileen Rossiter	Prince Edward Island	Charlottetown
2 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
3 Elizabeth M. Hubley	Prince Edward Island	Kensington
4		

SENATORS BY PROVINCE—WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
Mira Spivak	Manitoba	Winnipeg
Janis G. Johnson	Winnipeg-Interlake	Winnipeg
Terrance R. Stratton	Red River	St. Norbert
Sharon Carstairs, P.C.	Manitoba	Victoria Beach
Richard H. Kroft	Manitoba	Winnipeg
Ronald J. Duhamel, P.C.	Manitoba	St. Boniface

BRITISH COLUMBIA—6

THE HONOURABLE		
Edward M. Lawson	Vancouver	Vancouver
Jack Austin, P.C.	Vancouver South	Vancouver
Pat Carney, P.C.	British Columbia	Vancouver
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna
Mobina S.B. Jaffer	British Columbia	North Vancouver

SASKATCHEWAN—6

THE HONOURABLE		
Herbert O. Sparrow	Saskatchewan	North Battleford
A. Raynell Andreychuk	Regina	Regina
Leonard J. Gustafson	Saskatchewan	Macoun
David Tkachuk	Saskatchewan	Saskatoon
John Wiebe	Saskatchewan	Swift Current

ALBERTA—6

THE HONOURABLE		
Daniel Phillip Hays, <i>Speaker</i>	Calgary	Calgary
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
Nicholas William Taylor	Sturgeon	Chestermere
Thelma J. Chalifoux	Alberta	Morinville
Douglas James Roche	Edmonton	Edmonton
Tommy Banks	Alberta	Edmonton

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 C. William Doody	Harbour Main-Bell Island	St. John's
2 Ethel Cochrane	Newfoundland	Port-au-Port
3 William H. Rompkey, P.C.	Labrador	North West River, Labrador
4 Joan Cook	Newfoundland	St. John's
5 George Furey	Newfoundland and Labrador ..	St. John's
6 George S. Baker, P.C.	Newfoundland and Labrador ..	Gander

NORTHWEST TERRITORIES—1

THE HONOURABLE		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

THE HONOURABLE		
1 Willie Adams	Nunavut	Rankin Inlet

YUKON TERRITORY—1

THE HONOURABLE		
1 Ione Christensen	Yukon Territory	Whitehorse

ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of May 1, 2002)

Ex Officio Member

ABORIGINAL PEOPLES

Chair: Honourable Senator Chalifoux

Deputy Chair: Honourable Senator Johnson

Honourable Senators:

Carney,	Christensen,	Johnson,	Pearson,
*Carstairs (or Robichaud),	Cochrane,	Léger,	Sibbeston,
Chalifoux,	Gill,	*Lynch-Staunton (or Kinsella),	St. Germain,
	Hubley,		Tkachuk.

Original Members as nominated by the Committee of Selection

Carney, *Carstairs (or Robichaud), Chalifoux, Christensen, Cochrane, Cordy, Gill,
Johnson, *Lynch-Staunton (or Kinsella), Pearson, Rompkey, Sibbeston, Tkachuk, Wilson.

AGRICULTURE AND FORESTRY

Chair: Honourable Senator Gustafson

Deputy Chair: Honourable Senator Wiebe

Honourable Senators:

Biron,	Day,	LeBreton,	Stratton,
*Carstairs (or Robichaud),	Fairbairn,	*Lynch-Staunton (or Kinsella),	Tkachuk,
Chalifoux,	Hubley,	Oliver,	Tunney,
	Gustafson,		Wiebe.

Original Members as nominated by the Committee of Selection

*Carstairs (or Robichaud), Chalifoux, Fairbairn, Fitzpatrick, Gill, Gustafson, LeBreton,
*Lynch-Staunton (or Kinsella), Milne, Oliver, Stratton, Taylor, Tkachuk, Wiebe.

BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Kolber

Deputy Chair: Honourable Senator Tkachuk

Honourable Senators:

*Carstairs (or Robichaud),	Furey,	Kroft,	Meighen,
Di Nino,	Hervieux-Payette,	*Lynch-Staunton (or Kinsella),	Oliver,
Fitzpatrick,	Kelleher,	Mahovlich,	Setlakwe,
	Kolber,		Tkachuk.

Original Members as nominated by the Committee of Selection

Angus, *Carstairs (or Robichaud), Furey, Hervieux-Payette, Kelleher, Kolber, Kroft,
*Lynch-Staunton (or Kinsella), Meighen, Oliver, Poulin, Setlakwe, Tkachuk, Wiebe.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chair: Honourable Senator Taylor

Deputy Chair: Honourable Senator Spivak

Honourable Senators:

Adams,	Christensen,	Kelleher,	*Lynch-Staunton (or Kinsella),
Banks,	Cochrane,	Kenny,	Sibbeston,
Buchanan,	Eyton,	Keon,	Taylor.
*Carstairs (or Robichaud),	Finnerty,		

Original Members as nominated by the Committee of Selection

*Banks, Buchanan, *Carstairs (or Robichaud), Christensen, Cochrane, Eyton, Finnerty, Kelleher, Kenny, *Lynch-Staunton (or Kinsella), Sibbeston, Spivak, Taylor, Watt.*

FISHERIES

Chair: Honourable Senator Comeau

Deputy Chair: Honourable Senator Cook

Honourable Senators:

Adams,	Cook,	*Lynch-Staunton (or Kinsella),	Phalen,
*Carstairs (or Robichaud),	Gill,	Mahovlich,	Robertson,
Comeau,	Jaffer,	Meighen,	Tunney,
	Johnson,		Watt.

Original Members as nominated by the Committee of Selection

*Adams, Callbeck, *Carstairs (or Robichaud), Carney, Chalifoux, Comeau, Cook, *Lynch-Staunton (or Kinsella), Mahovlich, Meighen, Molgat, Moore, Robertson, Watt.*

FOREIGN AFFAIRS

Chair: Honourable Senator Stollery

Deputy Chair: Honourable Senator Andreychuk

Honourable Senators:

Andreychuk,	*Carstairs (or Robichaud),	Di Nino,	*Lynch-Staunton (or Kinsella),
Angus,	Corbin,	Grafstein,	Setlakwe,
Austin,	De Bané,	Graham,	Stollery.
Bolduc,		Losier-Cool,	

Original Members as nominated by the Committee of Selection

*Andreychuk, Austin, Bolduc, Carney, *Carstairs (or Robichaud), Corbin, De Bané, Di Nino, Grafstein, Graham, Losier-Cool, *Lynch-Staunton (or Kinsella), Poulin, Stollery.*

HUMAN RIGHTS**Chair: Honourable Senator Andreychuk**
Honourable Senators:**Deputy Chair: Honourable Senator Fraser**

Andreychuk,	Cochrane,	Jaffer,	*Lynch-Staunton
Beaudoin,	Ferretti Barth,	Kinsella,	(or Kinsella),
*Carstairs (or Robichaud),	Fraser,		Poy.

Original Members as nominated by the Committee of Selection

*Andreychuk, Beaudoin, *Carstairs (or Robichaud), Ferretti Barth, Finestone,
Kinsella, *Lynch-Staunton (or Kinsella), Oliver, Poy, Watt, Wilson.*

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION**Chair: Honourable Senator Kroft**
Honourable Senators:**Deputy Chair: Honourable Senator**

Atkins,	De Bané,	Kenny,	Milne,
Austin,	Doody,	Kroft,	Murray,
*Carstairs (or Robichaud),	Forrestall,	*Lynch-Staunton (or Kinsella),	Poulin,
Comeau,	Furey,		Stollery.
	Gauthier,	Maheu,	

Original Members as nominated by the Committee of Selection

*Austin, *Carstairs (or Robichaud), Comeau, De Bané, DeWare, Doody, Forrestall, Furey, Gauthier,
Kenny, Kroft, *Lynch-Staunton (or Kinsella), Maheu, Milne, Murray, Poulin, Stollery.*

LEGAL AND CONSTITUTIONAL AFFAIRS**Chair: Honourable Senator Milne**
Honourable Senators:**Deputy Chair: Honourable Senator Beaudoin**

Andreychuk,	*Carstairs (or Robichaud),	Joyal,	Moore,
Beaudoin,		*Lynch-Staunton (or Kinsella),	Nolin,
Bryden,	Cools,		Pearson,
Buchanan.	Fraser,	Milne,	Rivest.

Original Members as nominated by the Committee of Selection

*Andreychuk, Atkins, Beaudoin, Buchanan, *Carstairs (or Robichaud), Cools, Fraser, Grafstein,
Joyal, *Lynch-Staunton (or Kinsella), Milne, Moore, Nolin, Pearson.*

LIBRARY OF PARLIAMENT (Joint)**Chair: Honourable Senator Bryden****Deputy Chair:****Honourable Senators:**

Beaudoin,

Hubley,

Oliver,

Poy.

Cordy.

*Original Members agreed to by Motion of the Senate**Beaudoin, Bryden, Cordy, Oliver, Poy.***NATIONAL FINANCE****Chair: Honourable Senator Murray****Deputy Chair: Honourable Senator Finnerty****Honourable Senators:**

Banks,

Cook,

Furey,

Mahovlich,

Bolduc,

Cools,

Kinsella,

Murray,

*Carstairs

Doody,

*Lynch-Staunton

Stratton,

(or Robichaud),

Ferretti Barth,

(or Kinsella),

Tunney.

*Original Members as nominated by the Committee of Selection**Bolduc, *Carstairs (or Robichaud), Cools, Doody, Finnerty, Ferretti Barth, Hervieux-Payette, Kinsella, Kirby, *Lynch-Staunton (or Kinsella), Mahovlich, Murray, Stratton.***NATIONAL SECURITY AND DEFENCE****Chair: Honourable Senator Kenny****Deputy Chair: Honourable Senator Forrestall****Honourable Senators:**

Atkins,

Cordy,

Kenny,

Meighen,

Banks,

Day,

LaPierre,

Wiebe.

*Carstairs

Forrestall,

*Lynch-Staunton

(or Robichaud),

(or Kinsella),

*Original Members as nominated by the Committee of Selection**Atkins, *Carstairs (or Robichaud), Cordy, Forrestall, Hubley, Kenny, *Lynch-Staunton (or Kinsella), Meighen, Pépin, Rompkey, Wiebe.*

VETERANS AFFAIRS**(Subcommittee of National Security and Defence)****Chair: Honourable Senator Meighen**
Honourable Senators:**Deputy Chair: Honourable Senator Wiebe**

Atkins,	Day,	*Lynch-Staunton	Meighen,
*Carstairs	Kenny,	(or Kinsella),	Wiebe.
(or Robichaud),			

OFFICIAL LANGUAGES (Joint)**Chair: Honourable Senator Maheu**
Honourable Senators:**Deputy Chair:**

Gauthier,	Maheu,	Rivest,	Setlatkwe.
Léger,	Nolin,		

Original Members agreed to by Motion of the Senate*Bacon, Beaudoin, Fraser, Gauthier, Losier-Cool, Maheu, Rivest, Setlatkwe, Simard.***RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT****Chair: Honourable Senator Austin**
Honourable Senators:**Deputy Chair: Honourable Senator Stratton**

Andreychuk,	Di Nino,	Losier-Cool,	Robertson,
Austin,	Gauthier,	*Lynch-Staunton	Rompkey,
Baker,	Grafstein,	(or Kinsella),	Rossiter,
*Carstairs	Joyal,	Murray,	Stratton.
(or Robichaud),	Kroft,	Pitfield,	

Original Members as nominated by the Committee of Selection*Andreychuk, Austin, Bryden, *Carstairs (or Robichaud), DeWare, Di Nino, Gauthier, Grafstein, Hervieux-Payette, Joyal, Kroft, Losier-Cool, *Lynch-Staunton (or Kinsella), Murray, Poulin, Rossiter, Stratton.*

SCRUTINY OF REGULATIONS (Joint)**Chair: Honourable Senator Hervieux-Payette****Deputy Chair:****Honourable Senators:**

Bryden,	Hervieux-Payette,	Kinsella,	Nolin.
Gill,	Jaffer,	Moore,	

*Original Members agreed to by Motion of the Senate**Bacon, Bryden, Finestone, Hervieux-Payette, Kinsella, Moore, Nolin.***SELECTION****Chair: Honourable Senator Rompkey****Deputy Chair: Honourable Senator Stratton****Honourable Senators:**

Austin,	Corbin,	Kinsella,	Robertson,
*Carstairs (or Robichaud),	Fairbairn,	LeBreton,	Rompkey,
	Graham,	*Lynch-Staunton (or Kinsella),	Stratton.

*Original Members agreed to by Motion of the Senate**Austin, *Carstairs (or Robichaud), Corbin, DeWare, Fairbairn, Graham, Kinsella
LeBreton, *Lynch-Staunton (or Kinsella), Mercier, Murray.***SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY****Chair: Honourable Senator Kirby****Deputy Chair: Honourable Senator LeBreton****Honourable Senators:**

Callbeck,	Cordy,	Kirby,	Morin,
*Carstairs (or Robichaud),	Di Nino,	LeBreton,	Pépin,
Cook,	Fairbairn,	*Lynch-Staunton (or Kinsella),	Roberston,
	Keon,		Roche.

*Original Members as nominated by the Committee of Selection**Callbeck, *Carstairs (or Robichaud), Cohen, Cook, Cordy, Fairbairn, Graham, Johnson,
Kirby, LeBreton, *Lynch-Staunton (or Kinsella), Pépin, Robertson, Roche.*

**ON THE PRESERVATION AND
PROMOTION OF A SENSE OF CANADIAN COMMUNITY**

(Subcommittee of Social Affairs, Science and Technology)

**Chair: Honourable Senator
Honourable Senators:**

*Carstairs
(or Robichaud),

Cook,
Cordy,

Deputy Chair: Honourable Senator

Kirby,
LeBreton,

*Lynch-Staunton
(or Kinsella),
Roberston.

TRANSPORT AND COMMUNICATIONS

**Chair: Honourable Senator Bacon
Honourable Senators:**

Adams,
Bacon,
Biron,
Callbeck,

*Carstairs
(or Robichaud),
Eyton,
Forrestall,
Gustafson,

Deputy Chair: Honourable Senator Oliver

Jaffer,
LaPierre,
*Lynch-Staunton
(or Kinsella),

Oliver,
Phalen.

Original Members as nominated by the Committee of Selection

*Adams, Angus, Bacon, Callbeck, *Carstairs (or Robichaud), Christensen, Eyton, Finestone,
Fitzpatrick, Forrestall, *Lynch-Staunton (or Kinsella), Rompkey, Setlakwe, Spivak.*

THE SPECIAL SENATE COMMITTEE ON ILLEGAL DRUGS

**Chair: Honourable Senator Nolin
Honourable Senators:**

Banks,
*Carstairs
(or Robichaud),

Kenny,
*Lynch-Staunton
(or Kinsella),

Deputy Chair: Honourable Senator Kenny

Maheu,
Nolin,

Rossiter.

Original Members as agreed to by Motion of the Senate

*Banks, *Carstairs (or Robichaud), Kenny, *Lynch-Staunton (or Kinsella), Maheu, Nolin, Rossiter.*

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37th PARLIAMENT

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VOLUME 139

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NUMBER 112

OFFICIAL REPORT
(HANSARD)

Thursday, May 2, 2002

—
THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Thursday, May 2, 2002

The Senate met at 1:30 p.m., the Speaker *pro tempore* in the Chair.

Prayers.

[Translation]

SENATORS' STATEMENTS

RADIO-CANADA

LOCKOUT

Hon. Lucie Pépin: Honourable senators, the Montreal Y Foundation held its 9th annual Women of Distinction Awards gala last night. A number of women were honoured for their community involvement.

In the "Communications" category, the honouree was Marie-France Bazzo, host of the well-known CBC French network program *Indicatif Présent*. This excellent communicator devoted the bulk of her acceptance speech to the Radio-Canada lockout.

She has graciously granted me permission to quote some excerpts from her message, which is totally in line with my feelings about this labour conflict.

The following is what Ms Bazzo had to say about the lockout:

I am touched, but disturbed at the same time, for it is nearly six weeks now since I have been able to switch on a microphone. I am no longer a communicator, and I am not the only one: all of my colleagues are locked out by Radio-Canada.

What disturbs me the most in this situation is the silence imposed on our radios, and the watered-down version of our TV we are getting. It is an insult to the public, which is nevertheless paying for Radio-Canada, loves it, and misses it. That is what we are hearing from them.

When Radio-Canada is silenced, when our press has become so concentrated and virtually all papers take the same point of view, democratic debate is being dulled. Without Radio-Canada, it has lost an effective, distinct and essential tool, but one whose nature is fragile as well.

For the sake of respect for public intelligence and for democracy, I hope this situation will be ended very soon.

I am completely in agreement with Marie-France Bazzo's statements. I also find it abnormal that, in 2002, we still have to resort to union action to gain wage parity between women and men. We hear that agreement has been reached to strike a committee to investigate wage parity at Radio-Canada.

What the management of Radio-Canada need to be told is that this study must have a time limit. It should not exceed three years.

• (1340)

I am therefore calling upon the government to assume its responsibilities and to get Radio-Canada to come to a negotiated agreement, in the interests of all parties, including the taxpayers, who are helpless witnesses to these strong-arm tactics and are suffering from not being able to access the quality radio and television programming to which they are entitled.

[English]

SPORT HUNTING

Hon. Jim Tunney: Honourable senators, I rise to express a serious concern of mine that should be on the minds of all Canadians. My concern relates to a relatively new practice of enclosing our wildlife — deer, elk, moose, et cetera — in large acreage pens, where wealthy people, most often from other countries, will come to Canada and pay high fees to engage in the slaughter of these animals. They call it "sport hunting."

Honourable senators, this activity is neither hunting nor sport. The sport is taken out of the process when these animals are enclosed and is often referred to as "shooting fish in a barrel."

One of the serious problems with these types of endeavours is the outbreak of disease that can occur, such as mad cow disease and others, to which animals would never be subjected in the wild. The problem is, however, that our wild animals and those in these enclosures are beginning to mix. Wild animals can clear fences to get in, fences that the ones inside could not clear to get out. These animals from the wild come in and are exposed to the captive animals. The wild animals then leave the enclosures and spread these diseases throughout our wild animal population. All Canadians should be concerned about this situation. Not only are our wild animals being affected, but they are also affecting our domestic animals across this country.

Honourable senators, we should strive for some kind of prohibition for this hunting practice and the sooner the better.

[Translation]

ROUTINE PROCEEDINGS

TECHNOLOGY PARTNERSHIPS CANADA

ANNUAL REPORTS TABLED

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the annual reports of Technology Partnerships Canada for 1999-2000 and 2000-2001.

[English]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

THIRTEENTH REPORT OF COMMITTEE PRESENTED

Hon. Jack Austin, Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Thursday, May 2, 2002

The Standing Committee on Rules, Procedures and the Rights of Parliament (*formerly entitled the Standing Committee on Privileges, Standing Rules and Orders*) has the honour to present its

THIRTEENTH REPORT

1. Pursuant to the order of reference dated December 4, 2001, as extended by motion on March 26, 2002, your Committee has considered the issue of time allotted to tributes in the Senate.
2. The issue of time spent on tributes has been a source of concern for a number of Senators for some time. On November 8, 2001, Senator Jean Lapointe gave notice that he would call attention to the issue, and the matter was discussed in the Senate on November 8, November 20, and November 21, 2001. Senator Lapointe subsequently moved the motion of December 4, 2001 that your Committee examine and report on this issue. Among the Senators who spoke on this issue in the Senate, there was unanimous support for the proposal that the time spent on tributes should be limited.
3. Your Committee considered this issue at its meeting on April 17, 2002. The appropriateness of tributes upon the retirement, resignation or death of Senators and former Senators is not in dispute. There is, however, widespread concern over the amount of time that can be devoted to individual tributes. Not only does this detract from the regular public business of the Chamber, but tributes can also take on a life of their own with many Senators feeling that they have to make a contribution. Comparisons have inevitably been made between the time and number of Senators paying tribute in individual cases.
4. After canvassing various issues and proposed solutions — including the placement of tributes on the *Order Paper*, the setting aside of special times of the week, the filing of written tributes for inclusion in *Hansard*, et cetera — your Committee has concluded that the time allocated to tributes should be strictly limited to 15 minutes. The decision as to when to schedule tributes will remain with the Senate leadership. The tributes will generally occur near the beginning of the sitting. It is likely the Leader of the Government and the

Leader of the Opposition, or their designates, will speak first. Your Committee does not believe that individual speeches should last more than three minutes. On those occasions when a large number of Senators wish to speak, it may be necessary to reduce the time allotted to individual speakers. Your Committee strongly believes that 15 minutes ought to be a maximum, and that no leave to extend the time should be sought, or granted.

5. Your Committee notes that Senators have various other opportunities in which to pay tribute to former colleagues. These include: Senators' Statements, motions, and notices of inquiries. There are, of course, other avenues in addition to the Senate Chamber for conveying congratulations, best wishes or condolences.

Therefore, your Committee recommends that Rule 22 of the *Rules of the Senate* be amended by adding after subsection (9) the following:

"Tributes

- (10) At the request of the Government Leader in the Senate or the Leader of the Opposition, the time provided for the consideration of "Senators' Statements" shall be extended by no more than fifteen minutes on any one day for the purpose of paying tribute to a Senator or to a former Senator, and by such further time as may be taken for the response under subsection (13).

Time limits

- (11) The Speaker shall advise the Senate of the amount of time to be allowed for each intervention by Senators paying tribute, which shall not exceed three minutes; a Senator may speak only once.

No leave

- (12) Where a Senator seeks leave to speak after the fifteen minutes allocated for Tributes has expired, the Speaker shall not put the question.

Response

- (13) After all tributes have been completed, the Senator to whom tribute is being paid may respond.

Senate Publications

- (14) The tributes and response given under subsections (10) to (13) shall appear under the separate heading "Tributes" in the *Journals of the Senate* and the *Debates of the Senate*.

No bar

- (15) Nothing in this rule prevents a Senator from paying tribute to another Senator or to a former Senator at any other time allowed under these rules.

Other tributes

(16) Nothing in this rule prevents an allocation of time for tributes to persons who are not Senators or former Senators."

Respectfully submitted,

JACK AUSTIN, P.C.
Chair

The Hon. the Speaker pro tempore: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Austin, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

HUMAN RIGHTS

BUDGET AND REQUEST FOR AUTHORIZATION TO
ENGAGE SERVICES AND TRAVEL—STUDY ON
CANADA'S ADHERENCE TO INTERNATIONAL
HUMAN RIGHTS INSTRUMENTS—
REPORT OF COMMITTEE PRESENTED

Hon. A. Raynell Andreychuk, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Thursday, May 2, 2002

The Standing Senate Committee on Human Rights has the honour to present its

THIRD REPORT

Your Committee, which was authorized by the Senate on Thursday, February 21, 2002 to examine and report on the status of Canada's adherence to international human rights instruments and on the process whereby Canada enters into, implements and reports on such agreements, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to travel outside Canada for the purpose of its study.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

A. RAYNELL ANDREYCHUK
Chair

(For text of report, see today's Journals of the Senate, Appendix "A", p. 1565.)

[Senator Austin]

The Hon. the Speaker pro tempore: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Andreychuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

LEGAL AND CONSTITUTIONAL AFFAIRS

BUDGET—STUDY ON IMPLEMENTATION
OF STATUTORY REVIEW PROVISIONS—
REPORT OF COMMITTEE PRESENTED

Hon. Lorna Milne, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, May 2, 2002

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

SIXTEENTH REPORT

Your Committee, which was authorized by the Senate on March 25, 2002, to examine and report on the implementation of statutory review provisions contained in selected legislation relating to legal and constitutional matters, now requests approval of funds for 2002-2003.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

LORNA MILNE
Chair

(For text of report, see today's Journals of the Senate, Appendix "B", p. 1573.)

The Hon. the Speaker pro tempore: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Milne, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

COMPETITION ACT COMPETITION TRIBUNAL ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Marie-P. Poulin, for Senator Kolber, presented the following report:

Thursday, May 2, 2002

The Standing Senate Committee on Banking Trade and Commerce has the honour to present its

SIXTEENTH REPORT

Your Committee, to which was referred Bill C-23, An Act to Amend the Competition Act and the Competition Tribunal Act, has, in obedience to the Order of Reference of Tuesday, February 5, 2002, examined the said Bill and now reports the same:

a) with the following amendment:

Page 37, clause 14: replace line 25 with the following:

"tered 30 days after its publication"

b) and with observations which are appended to this report.

Respectfully submitted,

E. LEO KOLBER
Chairman

(For text of report, see today's Journals of the Senate, Appendix "C", p. 1579.)

The Hon. the Speaker pro tempore: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Poulin, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

HERITAGE LIGHT HOUSE PROTECTION BILL

FIRST READING

Hon. J. Michael Forrestall presented Bill S-43, to protect heritage lighthouses.

Bill read first time.

• (1350)

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the second time?

On motion of Senator Forrestall, bill placed on the Orders of the Day for consideration two days hence.

QUESTION PERIOD

NATIONAL SECURITY AND DEFENCE

UNITED STATES—PROPOSAL TO CREATE
NORTHERN COMMAND

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, my question is addressed to the Chairman of the Standing Senate Committee on National Security and Defence. It has to do with the recent announcement by the American military of the formation of Northern Command.

There has been a great deal of contradictory debate on its significance to Canada, in particular, whether or not Canadian sovereignty is being challenged by it. I must say that in attempting to follow the discussion I am getting more confused.

Is the chairman of the committee — whom I hope I am not taking unawares — familiar enough with the issue to give us an explanation and, hopefully, reassure us as to whether Canada's sovereignty is being challenged by this proposal, should we become a participant in it?

Hon. Colin Kenny: Honourable senators, I should like to thank the Honourable Senator Lynch-Staunton for his question. Recognizing that I do not speak on behalf of the government, I can say that the committee has looked at this issue.

When the committee was in Washington, we had discussions on the subject with the Senate armed services committee, the house armed services committee and with Secretary Rumsfeld. I have had discussions on the subject as recently as today with the Chief of Defence Staff.

My impression is that this is a very positive initiative and one that Canada should seriously consider. The options that we have are to continue as we are with NORAD, which provides us with a direct linkage to both command authorities in Washington and Canada. There is an option open to Canada to have a similar arrangement with the naval and army forces that currently operate fairly extensively under the Supreme Allied Commander, Atlantic, or SACLANT, which is a NATO position.

I would describe the situation to the honourable senator as follows: Who in this chamber would not want to join with the United States in the event of an attack on North America? The purpose of this command is to protect North America from attack. If North America is attacked, to my way of thinking, it is only logical that we would want to respond in a joint manner.

The purpose of having a command of this sort is to prepare for scenarios and to do planning. The size of a command of this sort is likely to be relatively small. The number of troops involved in total is likely to be in the 300-400 range. If Canada were to participate, we would be looking at 30 to 50 officers and enlisted people. It would be a very small commitment in terms of troops.

The misunderstanding with regard to sovereignty relates to the fact that some people think that whole units would be assigned to the command of an American general. That is not the case. None of the commanders in chief has forces assigned to them on a permanent basis. They do planning on an ongoing basis and then go to force generators, other commanders, when they need additional forces to carry out a certain task.

If Canadian forces were needed in a certain situation, Canadian authorities would first have to be asked before the Canadian troops would be committed. One can visualize it as two switches. The commander would have to turn on a switch saying, "I would like the use of some troops." The Canadian government would then turn on another switch saying, "Yes, you can." or, "No, you cannot." If both switches were not in the "on" position, Canadian troops would not be involved. Therefore, I do not see where our sovereignty would be threatened.

Hon. J. Michael Forrestall: Honourable senators, my question is also to the Chair of the Standing Senate Committee on National Security and Defence.

Given the complexity of Northern Command and this entire question, could we have the assurance, to the degree the honourable senator is able to give them, that when this matter does come before this chamber, it will be referred to the Standing Senate Committee on National Security and Defence?

Senator Kenny: Honourable senators, as I am sure the honourable senator is aware, I have little influence over where matters in this chamber are referred. I can tell the honourable senator that if the chamber should choose to refer it to our committee, I, for one, would be happy to deal with it and address it. However, where it is referred is a matter for the chamber itself to decide.

Senator Forrestall: Honourable senators, I understand the position of the chair. I join with all senators in hoping that the health of the Leader of the Government will take a turn for the better soon and that she will be back with us next week.

May I, through the Deputy Leader of the Government, ask that this question be given to the government leader as notice, together with the strong recommendation that this subject matter, though essentially dealing with transport, is, in fact, much more appropriate for the Standing Senate Committee on National Security and Defence?

Hon. Douglas Roche: Honourable senators, my supplementary question is also directed to the Chairman of the Standing Senate Committee on National Security and Defence. It follows on the point raised by Senator Lynch-Staunton.

The chairman, Senator Kenny, will be aware that former Foreign Minister Lloyd Axworthy has issued a report from the Liu Centre for the Study of Global Issues on the subject of Northern Command. On Monday, Mr. Axworthy will be testifying before the House of Commons Foreign Affairs Committee meeting in Vancouver.

Is it possible for the National Security and Defence Committee to hear Mr. Axworthy on this subject?

Senator Kenny: Honourable senators, I suppose anything is possible.

Senator Roche: Honourable senators, I suppose anything in the whole world is possible. However, what I am really asking is whether the Senate committee will seek to hear Mr. Axworthy's views on this subject.

UNITED STATES—DEPARTMENT OF NATIONAL DEFENCE REPORT ON CREATION OF MISSILE DEFENCE SYSTEM

Hon. Douglas Roche: Honourable senators, in a report issued by the Canadian Department of National Defence it is stated that the U.S. is seeking to build part of its missile defence system on Canada's East Coast to give the U.S. a time advantage in destroying incoming rockets fired by Middle East countries. Will

the chairman of the National Security and Defence Committee tell us if his committee has taken note of this report, which was released recently by the Department of National Defence under the access to information laws?

• (1400)

Hon. Colin Kenny: Honourable senators, the answer to the first part of the question is that presently we have no plans to do that. The answer to the second part of the question is no.

UNITED STATES—PROPOSAL TO CREATE NORTHERN COMMAND—EFFECT ON NORAD

Hon. Norman Atkins: Honourable senators, my question is to the Chair of the Standing Senate Committee on National Security and Defence. Does the Northern Command concept have any impact on the agreements that we have through NORAD?

Hon. Colin Kenny: Honourable senators, I believe it is fair to say that the treaty we signed in relation to NORAD would be incorporated as one component. That agreement already exists. It is there, it is functioning and it is working. If there were to be further Canadian involvement in the Northern Command, or in CINC north, the NORAD agreement would obviously continue in place. There would have to be other agreements to accommodate sea and land if they were deemed to be part of Canada's interests and involvement.

INTERNAL ECONOMY

PERCENTAGE OF SENATE BUDGET ALLOCATED TO COMMITTEE MATTERS

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my question is for the Chair of the Internal Economy Committee. I wonder whether the honourable senator could advise the house, given that we are engaged in approving budgets for various committees, as to what percentage of the total amount in the Senate budget allocated to Senate committees will have been committed, should all of the committees receive approval from the chamber for the individual allotments? How much will have been committed and how much is left over until the end of the year?

Hon. Richard H. Kroft: Honourable senators, if I understand the question, it is how much of the allocation for committees will have been committed. Senator Furey is here, and I stand to be corrected by him.

The total figure in the budget is \$1.8 million, and I believe that \$1.6 million has been committed with a \$200,000 contingency. If I am out, I am out by \$100,000 and it is a \$100,000 contingency.

Hon. George J. Furey: Honourable senators, Senator Kroft is quite correct with one exception. There was a \$200,000 contingency fund, but the Internal Economy Committee allocated \$70,000 of that amount to Senator Nolin's committee.

The Hon. the Speaker pro tempore: Honourable senators, I wish to advise Honourable Senator Furey that questions may be addressed to the chair only.

PERCENTAGE OF SENATE BUDGET ALLOCATED TO
SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY
COMMITTEE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, yesterday the Chair of the Standing Senate Committee on Social Affairs, Science and Technology described the important work on health care undertaken by his committee. The work of that committee is a laudable effort and one that demonstrates the work of Senate committees at their best, and the fact that they are far more cost-efficient than royal commissions in given policy areas.

However, honourable senators, the chair of that committee did alert us to the fact that there will be an important piece of unfinished business for them probably in this fiscal year when the Romanow commission report is released. As Senator Furey has indicated, we have less than \$200,000 in contingency. When we were discussing the Energy Committee's budget, Senator Taylor made reference to the possibility of requesting Supplementary Estimates.

My question to the Chair of the Internal Economy Committee is: Is the honourable senator satisfied that there is enough in reserve to respond to Senator Kirby's needs? Second, is the idea of Supplementary Estimates part of the contingency planning of his committee?

Hon. Richard H. Kroft: Honourable senators, these matters can never be decided finally until circumstances are known, but the answer to the first part of the question is that there will not be adequate funds, with the present numbers as allocated and if all the money is spent, to provide the additional funds for that next phase of Senator Kirby's committee.

Honourable senators, there are two options. One is to monitor the spending programs and the actual spending of the various committees over the intervening months. The practice and the machinery is in place for money not spent by a committee to be brought back and re-assigned. It may well be, because of the uncertainties in budgeting, that funds will come available in that way within the existing envelope.

Failing that, and if the subcommittee of the Internal Economy Committee felt there was an appropriate need to act on that matter, as indeed on any matter affecting the business of the Senate, we would consider bringing to the house a recommendation on Supplementary Estimates at a later date.

Hon. Terry Stratton: Honourable senators, my question is addressed to the Chairman of the Internal Economy Committee.

Is the commitment on the part of the vast majority of chairmen of different committees to live within their budgets? It is commendable that they would be willing to do that for the balance of the fiscal year, and they should be applauded for that commitment. I believe there were only two such committees, the National Security and Defence Committee and the Social Affairs Committee. It is still an unknown in regard to the Banking

Committee and the Human Rights Committee. For the most part, they have made that commitment.

Honourable senators, given that commitment, perhaps the effort could be made to come up with the amount required to allow Senator Kirby's committee to complete its study, and perhaps that money could be found with the cooperation of the other committees.

Senator Kroft: Honourable senators, I am not sure that is really a question. I believe the honourable senator has addressed a hope and I certainly hear the hope.

The Internal Economy Committee task is not to spend as little money as possible. It is to spend the money available as well as possible. If the Senate feels that the work of Senator Kirby's committee or any other is a priority that it wishes to have carried forward, then the Internal Economy Committee will, by all means, work with all the committees in order to achieve the priorities that this house feels are important.

HILL PRECINCT—CHANGES TO SECURITY SERVICES

Hon. Marcel Prud'homme: Honourable senators, my question is also directed to the Chairman of the Internal Economy Committee. Yesterday I raised an issue during Senators' Statements, and I should like to raise it now with the chairman, in the absence of the Leader of the Government in the Senate.

• (1410)

I made a statement yesterday about changes to security that are being been discussed. This is not new. For 25 years, people have put forward great plans for the Hill. I first heard about having no cars on the Hill about 25 years ago.

I ask the honourable senator if he can assure us that before any change takes place, there will be multiple consultations, especially consultation with members who may have very strong views about this subject. We know that in a time of crisis, there are always people who use the crisis, the paranoia and the fear to slip in change. Once changes take place in our institution, it is very difficult to amend or reject them later. Can we have the assurance of the chairman that many discussions will take place before we give in to the master plan of having the RCMP inside the premises, or certain other changes?

I repeat that this discussion is creating a lot of sadness among our guards. They will not talk publicly. We know that they are well disciplined. However, if we care for the institution and we talk to them individually, we will see that they are ill at ease. They want to know what will happen. I think the chairman is in a position to help us in our reflections and in our answers to them.

Hon. Richard H. Kroft: Honourable senators, of course there would be no change of any significance to security arrangements in the Senate without full discussion in the Standing Committee on Internal Economy, Budgets and Administration. That committee is open and available for all senators to attend and participate, as my honourable colleague does so often.

I do give assurance that there is a great deal of respect for all the traditions of the Senate inherent in all of these discussions at all times. There is no great, evil master plan lurking anywhere, nor, though, should we fear change if it is helpful, productive and in the interests of this institution.

[Translation]

POSSIBILITY OF SUPPLEMENTARY ESTIMATES

Hon. Roch Bolduc: Honourable senators, my question is for the Chair of the Standing Committee on Internal Economy, Budgets and Administration. Did I hear him say that if there was a shortage of funds before the end of this year, supplementary estimates would be proposed?

[English]

Did I understand correctly?

Hon. Richard H. Kroft: Honourable senators, I did not say there would or would not be. I said the possibility of a supplementary budget is open. That decision will be made finally in the fall when the time comes. Nothing can be done now in terms of supplementary budgets.

My specific answer was in relation to committee budgets. The passage of time gives us a better knowledge of what the actual needs are when we see what committees are spending. I did not give an absolute "no," and certainly the possibility of a supplementary for committee budgets or other reasons may very well be a prospect.

THE SENATE

ABSENCE OF LEADER OF THE GOVERNMENT— POSSIBILITY OF ADVANCE NOTICE

Hon. Gerry St. Germain: Honourable senators, my question is to the Deputy Leader of the Government in the Senate. When the minister is not available, is there any way we can be advised? We have a total disaster on our hands in British Columbia at the moment with the imposition of the softwood lumber tariff by the United States. I would possibly have been in a position to make a statement during the time allocated for Senators' Statements had I known that the Leader of the Government in the Senate would not be present.

I am not sure whether this intervention is proper. I know it is not proper to speak about the absence of a senator in the Senate, but I wonder whether it is proper to be advised before the sitting of the Senate if the Leader of the Government in the Senate, who normally takes questions, other than the respective committee chairmen, is not available. We could then deal with issues that are important to the regions, such as the softwood lumber tariff that was imposed today by the U.S. International Trade Commission.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I am taking note of Senator St. Germain's comments as to whether we should inform all honourable senators of the absence of the Leader of the Government in the Senate.

[Senator Kroft]

In her absence, I can take note of the questions that are addressed to her, so that she can reply through delayed answers.

VISITORS IN THE GALLERY

The Hon. the Speaker pro tempore: Honourable senators, I wish to draw to your attention the presence in the gallery of the Forum for Young Canadians.

[English]

On behalf of all senators, I wish you a cordial welcome to the Senate of Canada.

Hon. Nicholas W. Taylor: Honourable senators, after hearing Her Honour introduce the Forum for Young Canadians, many of us missed the breakfast with them. Some senators had committee meetings early this morning. I wanted to extend an apology to them if they did not see some of the senators they were hoping to see from their home provinces.

The Hon. the Speaker pro tempore: Apology accepted.

ORDERS OF THE DAY

CRIMINAL LAW AMENDMENT BILL, 2001

MESSAGE FROM COMMONS—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Robichaud, P.C.,

That the Senate do not insist on its amendment numbered 1(a) to Bill C-15A, An Act to amend the Criminal Code and to amend other Acts to which the House of Commons has disagreed; and

That a message be sent to the House of Commons to acquaint that House accordingly.

Hon. A. Raynell Andreychuk: Honourable senators, Senator Nolin spoke to this issue and the motion that Senator Carstairs has proposed. I want to put on the record my reflections, some of which will be a repeat of what I said in the committee.

The proposed section on child pornography in Bill C-15A states that:

Every person who transmits, makes available, distributes, sells, imports, exports or possesses for the purpose of transmission, making available, distribution, sale or exportation any child pornography is guilty of...

The word that troubles us is "transmits."

We know that those who provide the hardware in today's modern world have no obligation to verify what is being transmitted. However, that has been more by custom than by law. Here, a proposed Criminal Code section says that, without exception, everyone who transmits child pornography will be guilty.

The minister, when he appeared before us, said, "We never contemplated attacking the industry." That may be, but the minister has no way of guaranteeing that the courts and the police — the administration of justice — will not interpret the words in their simple meaning so that everyone who transmits, irrespective of who they are, will be found guilty. While the minister indicated that the intention was not to go after those who provide the hardware for distribution and transmission, nothing in any of our industrial acts, and certainly nothing in the Criminal Code, would preclude charging them.

• (1420)

It may be very well for the minister to indicate that this is not their intention, but within a court process and within the administration of justice, all those officials have discretion. They exercise their discretion according to law. If, in some jurisdictions, for example, Canadians are so concerned about child pornography, there is pressure on the administration of justice to get rid of and control child pornography, is it not reasonable that someone be charged for supplying the hardware? They would be brought before the courts, and I believe a prosecutor, a judge and anyone else involved in the administration of justice could very reasonably come to the conclusion that there should be no exceptions, because there is nothing in law to exempt them. Consequently, to make it clear that it was never the intention to get at those who provide the hardware — we heard Senator Nolin explain that matter in great detail — we made an amendment. The amendment passed the committee, this chamber and was sent to the other place.

What concerns me more than anything is that we are politicizing something so important.

If you look at the opposing testimony, you will see that it was politicized. Both the government and the opposition expressed how much better they are at protecting our children than the other side. There were very few distinctions in how they handled this subject. No one asked why we would want to deflect into our court system needless cases for determination. Should we be cluttering our courts? Should we be deflecting into our courts what might turn out to be a technical issue? Why would we not want to send a clear signal to everyone that those who are providing the hardware were never intended to be caught?

If those people transmitting solely for the purpose of providing the hardware are also utilizing that hardware to provide child pornography knowingly and, in fact, do it because they have a preferred position, the law would cover them, and the police certainly will be screening. However, if there is no onus in law on those people to monitor what goes through their systems, and it is not the intention of the government to put such a provision in

place, the Senate felt that such should be indicated to prevent the necessity of having it tested before the courts. We do not need in this situation appeal upon appeal, deflecting resources and attention to something that is unnecessary. It would be more worthwhile to clarify the law, as we did. Resources can then be directed toward the perpetrators, as the section intended.

We should not have inconsistencies or statements in the law that can be interpreted in more than one way.

Honourable senators, this is a highly emotive area. What if a judge or prosecutor in the justice system makes the interpretation that everyone, including those who provide the hardware, comes under this section. Should a court then say, "No, we will not include them, because we have taken into account the intention of the legislators." You can imagine the hue and cry when someone appears to be let off on a charge of child pornography.

Again we will be blaming the courts, not an ill-drafted law. We will say, "There go the activist courts again." Surely, after 20 years with the Charter of Rights and Freedoms, when we said last month that parliamentarians have a role to make clear laws, to uphold our Constitution and to ensure that we pass laws that are in the public interest and serve the public good —

The Hon. the Speaker: I am sorry to interrupt, Senator Andreychuk.

Honourable senators, there is a disturbance affecting our ability to hear Senator Andreychuk. I ask senators to please take their seats and not make noise.

Senator Andreychuk: I was about to raise my voice, because I think it is a very important issue. I would hope that senators present understand what is at stake.

What is at stake here is our obligation as parliamentarians to pass the kind of laws that can be enforced, that have the public's support, and that do not create divisiveness. Therefore, the committee identified the problem that suppliers of hardware may be caught under this law; and I use that term generically. We want to get at the perpetrators of child pornography. We chose one methodology and proposed our amendment.

The House has chosen to ignore that amendment. I think it is important for the committee to reflect on other methodologies to make that provision certain. Perhaps the minister could come before the committee and say, "I will give a letter of undertaking that there will be resources to educate the courts across the country that our intention was to go after the perpetrators." Perhaps there is some other kind of amendment.

However, it seems to me that this is so critical that we cannot take it as routine business. The House has said to us that it does not accept our amendments, so we should not put in any amendments.

We are referring to children here. If we care about children, let us not politicize the issue, as has happened in the House of Commons. I encourage all of you to read those debates. We all love our children and want to protect them.

Honourable senators, it is good that the Senate can approach child pornography on a non-partisan basis, for we truly care about children and want to make sure that the laws give clear signals. This law does not give a clear signal.

Honourable senators, a recent court case in British Columbia has given the defence of artistic merit to child pornographers. We heard the hue and cry. Some of it was ill-conceived, because it attacked the judge. The judge exercised his discretion appropriately. Perhaps he did not come to the decision that I would have come to, but the reaction in the community was the type of emotional response that I might have considered. The response involved taking action against the judge and his family, which was totally inappropriate.

Therefore, it seems to me that, if we care about curbing child pornography, we must clarify the legislation. The Senate has an opportunity here to really do something about child pornography. Not only could we clarify the legislation, we could examine this particular defence and narrow it from what the court stated.

The court acted appropriately. The court had a series of options. The court took one; perhaps not the one I would have, but it took it. However, Parliament has the right to put its stamp on what it believes is an acceptable defence. We could, today, do a service to people across Canada by utilizing this bill to not only clarify the clause Senator Nolin has pointed out, but perhaps also identify an appropriate defence in that situation, more limited, more proportioned, more balanced and more in the interests of children. We could do it here and we could do it now. We do not need new legislation. We do not need more amendments.

This is a golden opportunity. I appeal to the government side to rethink what the committee has said. All members of the committee took child pornography seriously. The committee believes in creating laws in the public good in a clear manner. That kind of experience can be brought to bear on this legislation now.

• (1430)

Hon. Tommy Banks: Would the honourable senator take a question?

Senator Andreychuk: Certainly.

Senator Banks: Honourable senators, I certainly would not presume to talk about the last part of what the honourable senator said because I do not know anything about the law to speak of. However, the first part concerned broadcasting, which I do know something about.

In these days, the previously clear delineation between broadcasting in what I might call the traditional sense, on the one hand, and broadcasting through the Internet, on the other, is becoming blurred. Proprietors are going back and forth across that line and the line is beginning to disappear.

I have a worry down the line, and I should like you to address your legal mind to it. If we were to preclude charges against

people who operate, as you put it, the pipeline, then would it be the case that, sometime down the road, a suggestion might be taken that the proprietor of a traditional broadcasting system — that is, a stick, an operator broadcasting with a stick in the air and not on cable — would not be charged for putting pornography on that stick and broadcasting it into the air, or for putting it through the stick on cable television and on the air in that sense but that only the producers of the offending materials would be subject to prosecution?

I am looking down the line, but that line is becoming blurred and I have a concern about that potential liability.

Senator Andreychuk: Honourable senators, I do not have expertise in that area either, so we are on an equal footing here.

My understanding, as presented by the government officials and the industry, is that we are talking about those who provide the machinery — that is, the tube. They have no way of knowing what is inside it and are not obliged by law to monitor. For comparison purposes, as Senator Nolin pointed out, both in his speech and in committee, telephone companies provide the telephones and the phone lines. However, those companies are not responsible for what is transmitted, for what is said by one person to another over the telephone.

It is the same case with the new technology. If the hardware provider has no knowledge of what is being transmitted, the provider cannot be held responsible. On the other hand, the fact that you are providing the hardware does not mean that you might not be charged. If the provider knows what is being transmitted and does nothing about it, the provider is guilty. This is not about giving free reign. Providers simply provide the hardware. They are not expected to monitor each and every digital signal, among others. No law obliges them to that.

However, should they come across child pornography, they are responsible for reporting it. If they are child pornographers, they are guilty. The monitoring should be done under the Telecommunications Act; I am told that it would be costly and impossible to monitor otherwise.

Why would we hold accountable those who are providing the machinery that we all want and all use? The provider has no obligation to guarantee what goes on the line. It is different from a broadcaster and a newspaper, but similar in the old days to the telephone. The provider has no more obligation than you and I to know what is being transmitted.

The Hon. the Speaker: Honourable Senator Andreychuk, I regret to advise you that your time has expired.

Senator Andreychuk: Honourable senators, I ask for leave for a short time.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Fernand Robichaud (Deputy Leader of the Government): For a short time, yes.

Hon. Nicholas W. Taylor: Honourable senators, I am having trouble following Senator Andreychuk's argument that the hardware provider should not be responsible. The honourable senator has turned the argument around so that the hardware providers can get away with this. It is similar to the bartender who used to be able to serve all the liquor a customer wanted. A bartender can now be charged for doing so. The honourable senator has opened a bigger hole on the other side than they are trying to close on this side.

Senator Andreychuk: Honourable senators, I am pleased that Senator Robichaud gave me the time to explain. This is precisely the point: Most of us do not know what we are talking about when it comes to that hardware.

Senator Taylor: On a point of order, the honourable senator refers to the pornographers as "he" all the time. I want to make this a sexless argument.

Senator Andreychuk: I thank the honourable senator for pointing that out. Hereon, if I use the pronoun "he," please understand it to mean "he" or "she."

This is a highly technical area. The question I am now hearing is this: "Why should the provider be exempt?" If we are not going to exempt them, then the government must go back to the drawing table because the government was saying it was exempting them. If we want to have them caught by virtue of supplying the hardware, then we must change this law because it was never the intention of the government to do so.

My concern is that there is this confusion. A telephone company that supplies the lines and the boxes — and, now, the telephones — is not responsible for telephone conversations between people. In terms of the issue we are dealing with, it the same argument can be made vis-à-vis the hardware provider. The hardware is installed for transmission purposes. The provider is responsible for maintaining the hardware, so that it works, but is not responsible for monitoring transmission. There are millions of transmissions; it is not the responsibility of the provider — that is, unless the government believes that the suppliers should be held responsible. If so, we will pass a law to that effect.

The government, however, is saying that there is no law empowering providers to monitor transmissions. The government understands why it is virtually impossible to monitor transmissions. The government then introduces proposed legislation to get at child pornographers, saying that it is not going after the transmission, that it would never do that. They are not getting into your debate that they should or should not. They are saying, "We will not," because that is not the intention of the government.

Since there is this much confusion, it is incumbent on the government to have said, "Either we want to trap them or we do not want to trap them." That is the point I am making.

On motion of Senator Kinsella, debate adjourned.

BILL ON ACCESSION TO WORLD TRADE ORGANIZATION AGREEMENT BY PEOPLE'S REPUBLIC OF CHINA

SECOND READING—DEBATE ADJOURNED

Hon. Jack Austin moved the second reading of Bill C-50, to amend certain Acts as a result of the accession of the People's Republic of China to the Agreement Establishing the World Trade Organization.

• (1440)

He said: Honourable senators, the development of a rules-based world trading system, now expressed by the establishment of the World Trade Organization, has been one of the most significant steps taken by the family of nations in setting up and operating their international commerce. The members of the World Trade Organization seek to achieve fairness and equity among nations large and small, rich and poor, and to include all nations within the WTO rules-based agreements.

Members of the Senate know that the WTO is a work in progress and will ever be, but it is also a work that is making progress. One of the key events in the world trading system took place in mid-November of last year in Doha, Qatar, when Canada and 141 other members to World Trade Organization agreed to launch a new round of international trade negotiations. This Doha round is rather ambitiously planned to be negotiated and concluded by the end of 2005.

The Doha round includes in its focus particular attention to the needs of the economically developing nations. It will have important issues to deal with in trade and agriculture, in financial services, and in the use and protection of intellectual property, to name only a small set of key topics.

Some members of the Senate and the other place were invited by the Honourable Pierre Pettigrew, Minister for International Trade, to accompany him to the Doha negotiations last November. Unfortunately, I was not among them, but I hope there will be another day.

Along with Doha, a second and not less significant step forward in the world trading system took place on December 11, 2001, when the People's Republic of China acceded to the WTO and will now play its full and well-deserved role as an emerging global trading player. To move nearer the WTO goal to represent virtually all the key exporting/importing nations in the world economy, there remains the future inclusion of Russia, Ukraine and other nations formerly part of the Soviet Union. Russia has shown clear interest, but its economy is not yet ready to meet both the permanent and transitional criteria of the WTO. I expect that the Standing Senate Committee on Foreign Affairs will, in its forthcoming report to the Senate, have some interesting comments on the Russian economy and its current level of operation.

In admitting China to the WTO, the world trading system is including a member whose GDP was U.S. \$1.5 trillion in the year 2000, making China the world's seventh largest economy. China stood, at the end of 1999, as the world's ninth largest exporter with 3.5 per cent of total world exports. To add some general perspective, let me mention China's population, the world's largest, at about 1.3-billion people, 22 per cent of the total world population, and its GDP per capita of about U.S. \$3,500. While some communities on the eastern seaboard of China have per capita income exceeding U.S. \$10,000, such as Shanghai and Guangzhou, other parts of China can easily be compared to the least developed parts of the world. China's domestic development policy clearly sees its WTO participation as a major step in the economic modernization of China and its objective of reaching effective competitiveness in the world trading system.

In accepting its role as the newest member of the WTO, China has agreed that it will now be subject to, but also have a role in setting, rules for the international trade system. These rules include WTO's internationally negotiated rights and obligations concerning the administration of international trade, and particularly those related to principles of national and most favoured nation treatment, rules for the resolution of trade disputes and commitments for the further liberalization of international trade.

Canada's international trade minister, the Honourable Pierre Pettigrew, stated, on the occasion of the signing of the Canada-China WTO trade accession agreement in November of 1999 in Toronto, Canada's view that:

The full participation of an economy as important as that of China, which is in full expansion, can only strengthen the multilateral trade system.

I am proud to add that the signing of that bilateral agreement by the Honourable Pierre Pettigrew and Shi Guangsheng, the Chinese Minister of Foreign Trade and Economic Cooperation, took place at the annual meeting of the Canada China Business Council at which time I served as president and Senator Kelleher, a former international trade minister, served as a vice-chairman. The Canada China Business Council was formed in 1978 and is today made up of nearly 300 companies in the Canada China commercial relationship. The council helped organize and host Prime Minister Jean Chrétien's Team Canada mission to China in November 1994, which included the premiers and territorial leaders and 363 Canadian business executives. The Prime Minister has participated in all Team Canada visits to China, including 1996, 1998 and 2000. The council has also hosted visits to Canada by then Premier Li Peng, President Jang Zemin and Premier Zhu Rongji, as well as many Chinese ministers, governors of provinces and other high officials.

Since 1993, Prime Minister Jean Chrétien has played a leading role in engaging the leadership of China in our bilateral relationship and in encouraging China's entry into the world trading system. Canadian business has also played a significant role, both through the Canada China Business Council and otherwise.

No doubt honourable senators are interested in what China in the WTO and Bill C-50 will do to assist the Canada China bilateral trade relationship. Thus, I will turn to comment on a number of features; however, I cannot take the time here that will be required to do more than touch on highlights. Senators interested in further detail will, I am certain, avail themselves of the opportunity to attend Senate committee sessions, should the Senate refer this bill to a committee.

Canada and China have taken important steps to enhance their bilateral trade, which stood at about \$15 billion in the year 2000. With respect to goods, China's WTO accession provides immediate and permanent tariff cuts on both industrial and agricultural products. Industrial goods will see tariffs decrease in stages, such that by 2010 they will be roughly half of what they were in 1999. The simple average of tariffs on agriculture and agri-food imports into China will fall significantly by 2005 and in some cases will be eliminated completely.

China's service sector has had virtually no foreign participation as a result of policies of protectionism combined with severe regulatory restraint. In the financial services area, the major Canadian banks which are present have had their activities limited to services to foreign clients only. Canada's insurance sector has been allowed two joint ventures with Chinese companies, and their business development is still in its earliest stages. Canadian and other foreign mutual fund companies and investment bankers have been allowed only representative offices and a limited advisory role to domestic companies.

China's entry into the WTO will bring about substantial change and opportunity to Canada's service sector. In many cases, major foreign ownership will be permitted within two to three years, and even wholly owned foreign subsidiaries in two to five years.

It is important to note provisions are included in Bill C-50 to strengthen intellectual property rights, increase transparency of the Chinese legal system and improve investment access in all service sectors, including banking, insurance, other financial services and telecommunications. These are sectors where Canada believes it can add value and effectively compete in the China market.

Another significant modification relates to China's current import quota system, which will be replaced by the WTO system of tariff rate quotas, or TRQs. Under the TRQ system, imports from any exporting company, up to a fixed quota level, will enter at a relatively low tariff rate. A higher tariff rate is levied on any imports over this quota. The World Trade Organization system is designed to give foreign exporters access to a predictable, minimum share of an importer's marketable goods.

• (1450)

China has committed itself to eliminate the quotas that have applied to barley, soybeans, canola, peanut oil, sunflower oil, corn oil and cottonseed oil and to subject them only to tariffs. Tariff rate quotas will govern agricultural products such as wheat, corn, rice, soybean oil, palm oil, canola oil, sugar, wool and cotton.

It is the foundation stone of China's accession to the WTO rules system and it is China's key objective that its commercial system will be the market system, allowing for traded goods and services in virtually all sectors to be determined by market forces. Its past multi-tiered pricing policies are being eliminated.

Unlike many other WTO accession agreements, where only the country acceding to the WTO is required to change its domestic laws and regulations, in the case of China, both Canada and other countries concerned with China's enormous export capacity, based on the size of its domestic market, sought and obtained from China certain rights to invoke safeguards that are China-specific and apply to such circumstances as required rules for a non-market economy in anti-dumping investigations. As I have mentioned, these China safeguards differ from other WTO agreements in that they will be applicable only to imports from China. They will have a lower injury threshold and they will be temporary. The safeguards are based on the high degree of intervention that remains in the Chinese economy on the part of the government sector and are expected to be revised as the market economy in China matures in the years ahead.

It is specifically agreed between Canada and China that the China-specific safeguards will apply for 12 years — that is, until December 11, 2013, Canada will be able to impose special trade measures to protect Canadian industry from injurious surges of imports from China. As well, the anti-dumping provisions in Bill C-50 allow WTO members to use special rules to determine price comparability in an anti-dumping investigation. This rule will be in effect for 15 years, until December 11, 2016.

Perhaps I should make clear that the China-specific measures will not apply to imports from Hong Kong or from Taiwan, which are separate members of the WTO. I should also make clear that the Canadian government does not expect a surge of imports from China, which would require the use of the China-specific safeguards. China has achieved a reasonably open access to the Canadian market, and Canada expects that growth will be within normal trading ranges. Canada also expects to continue its constructive and open relationship with China, which is Canada's fourth largest trading partner after the United States, Japan and the United Kingdom.

Honourable senators, China began its application to join the world trading system 15 years ago in 1986. It is entitled to a further 15 years to bring itself into full compliance with the WTO system. Thirty years to move from a full command system to an open market economy, by comparative standards with any other country, is to move at lightening speed. It took two centuries for Western Europe to develop its market system and at least 150 years for the United States to do so. Nor did those countries have to begin from a per capita base of less than \$100 in 1971 dollars. Nor did they have to manage the social, political and economic challenges of the world's largest population. China has to be given credit for its efforts to build its new economic society and for recognizing that it enhances the security of the world community as well its own security to be a full member of the world trading system.

In respect of Bill C-50, I should advise the Senate what laws are herein proposed to be amended. These include the Canadian International Trade Tribunal Act, to create the special procedures

for initiating and conducting China-specific safeguard inquiries; the customs tariffs, to allow for the imposition of surtaxes pursuant to a China-specific safeguard action; the Export and Import Permits Act, to allow the addition of goods to the import control list for purposes of enforcing a China-specific safeguard action; and the Special Import Measures Act, to deal with the special price comparability rules that I mentioned earlier.

Honourable senators, in the international business community there remains some concern whether China will honour its agreements. Vice-Premier Wen Jiabao has been emphatic in stating that "China will respect its WTO commitments." He is the senior official with that responsibility. This does not mean that there will be no disagreements; in fact, I believe China will be targeted by a large number of WTO dispute settlement actions. The immaturity of China's administrative and enforcement capacity to ensure WTO implementation, along with the unfamiliarity of thousands of officials in China's judicial systems with WTO requirements, will lead to many problems in the transition years. Yet I believe China will make the adjustments necessary to keep its obligations. In the meantime, there will be many opportunities for trade lawyers and consultants.

Honourable senators, China's economic growth over the last twenty years has averaged more than 7 per cent GDP per annum. World Bank projections for the next 20 years indicate that such growth will continue. For several years, China has been the world's second largest recipient of foreign direct investment, or FDI, after only the United States of America. As well, FDI was up 27.5 per cent annually in the first quarter of this year. The post-WTO foreign investment interest will be maintained as China frees up its economy to foreign participation.

It must be appreciated that China's expanding economy will be one of two or three economies that will provide momentum to the growth of the world trading system and underpin many of the hopes for the success of the Doha round.

Canada's relations with China are strong. Indeed, Premier Zhu Rongji said in Beijing in 1998, at a Canada China Business Council annual meeting attended by Prime Minister Jean Chrétien, that Canada was China's best friend in the developed world. Canada provided the initiative in October 1970 through the leadership of then Prime Minister Pierre Trudeau and then Minister of Foreign Affairs Mitchell Sharpe to find the formula to exchange diplomatic recognition, a first step in removing China from the world isolation that surrounded it. Then Prime Minister Brian Mulroney led a business mission to China in 1986. Prime Minister Jean Chrétien has worked assiduously to engage China in world issues — none less important than the WTO accession.

Today, our future in Canada-China commercial relations is more the responsibility of the business sector. Let us hope and expect that Canadians do not miss this opportunity presented to us.

Hon. Consiglio De Nino: Honourable senators, would Senator Austin take a question?

Senator Austin: I would be delighted to take a question.

• (1500)

Senator Di Nino: When the honourable senator spoke to the China-specific exemptions, he informed the chamber that those exemptions would not apply to Hong Kong and Taiwan. I was confused by the reference to Taiwan. Has the government's policy on Taiwan changed such that Taiwan has been incorporated with China, or is Taiwan still deemed an independent country?

Senator Austin: I thank Senator Di Nino for his question. I do not speak for the government, but I am the sponsor of Bill C-50. I was saying, to make clear as a matter of fact in case anyone could be confused, that the China-specific rules do not apply to Taiwan. There is a connection in that Taiwan was not permitted to become an economic entity under the WTO until China acceded to the WTO. Some people have wondered whether the WTO arrangement with China somehow incorporated Taiwan. It does not. It has its own separate and independent arrangement. I want it to be clear to Canadian business that what concerned us, given China's large domestic market, was the possibility of surges of what, for China, would be incremental exports. This does not apply to Taiwan.

Hon. Douglas Roche: I would like to congratulate Senator Austin on his very interesting speech. It has awakened an explosion of questions in my mind. In the interests of all senators, I will husband my questions into two categories. The first category is China internationally and the second is China and Canada.

Senator Austin made an important point when he compared the growth of China's economy, which is extremely rapid right now, to the two centuries that it took Western Europe's economies to develop to where they are and 150 years for the United States to acquire momentum.

It is 25 years since I first went to China, seeing there a largely agrarian society. In the space of a quarter of a century, to see China now as the seventh largest economy in the world is breathtaking. Today, China seems to be one huge construction camp as there is so much economic activity ongoing.

I am getting to Senator Austin's assessment of the effect of all of this on China's place in the geostrategic balance in the world. What is his view of the role of China in international politics and global security matters, given the enormous rate of growth of China today and the fact that, as has been said, the rate of investment is among the highest in the world? Does he see the new role of China, which is now enhanced by its entry into the World Trade Organization, overtaking Russia's? As Senator Austin very properly noted, Russia is still in an inferior position economically speaking and but for the maintenance of its nuclear weapons would probably be regarded as not much more than a developing country, in strictly economic terms. I do not mean that in any pejorative sense to the Russian culture, which has made an outstanding contribution to the world.

My point is that China's rapid economic growth and Russia's current stagnancy is bringing China front and centre in world politics. Where will that take us?

Senator Austin: Honourable senators, I am very grateful to Senator Roche for his intervention. I will reply in brief at this time with an invitation to Senator Roche to pursue this line of inquiry in the committee, should this bill be sent there. Senator Roche's major premise is absolutely correct. China is emerging as a key global player, both economically and strategically. Economically, China has some distance to go because of its enormous population, and China is preoccupied with its own modernization — with building its own infrastructure, social capital and competitiveness. For those reasons, I feel reasonably assured that China is not interested in being an adversary within the global security system. However, China, in my view, does want to have a significant voice, a voice commensurate with the size of its population and, increasingly, with the size of its economy in the global system.

This very week, as Honourable Senator Roche knows, the Vice-President of China, Hu Jintao, is having meetings in the United States including, I believe, with President Bush in Washington. Those meetings have a larger significance than is appreciated by most of Canadians and the world public. As colleagues here know, when the Bush administration entered office, apparently it wanted to distinguish itself from the Clinton engagement policy with China and sought to declare China a competitor. Of course, the words "engagement" and "partner" on one side and "competitor" and possibly "adversary" on the other are very significant departure points of policy.

The events of September 11 seem to have given the United States pause to reconsider its policy. China has been very helpful to the United States in dealing with the aftermath of September 11. Indeed, U.S. review of its China policy seems to be indicating, given the APEC meeting in the fall of last year in Shanghai and the discussions between President Bush and President Jiang Zemin and other meetings, that a collaborative relationship and one of mutual respect, if not affection, seems to be very much in train.

I believe that world stability has a considerable foundation in the relationship between the United States and China. I also believe that Canada and all prime ministers going back to Prime Minister Trudeau have worked assiduously to engage China, to bring China forward as a collaborative player in the world system, and great success is illustrated by China's accession to the WTO.

As Senator Roche knows very well, China is a permanent member of the Security Council of the United Nations. I believe its role as a permanent member shows that it has a very constructive attitude toward the world system. Although I may not agree with everything that China decides and supports, it is nonetheless engaged in world issues as a responsible player.

In summary, I believe that we have achieved a great deal of advantage for the world system in the way in which China is playing its role, thanks to the attitudes of countries like Canada and their support of China.

Senator Roche: I thank Senator Austin for that informative answer. Senator Austin's answer contained an extremely important sentence, that is, that China has been helpful to the United States, although he referred to post-September 11. In the context of which Senator Austin was speaking, I believe honourable senators will agree that the potential for China to play an important and constructive role in the geopolitical balance in the world and particularly the desire to obtain world stability is of the first order today. This bill will play a part in doing that from a Canadian point of view.

• (1510)

I shall now turn to my second question. It was Canada that was in the first row in the recognition of China. Here we should remember the foresight of Prime Minister Trudeau. Prime Minister Mulroney and Prime Minister Chrétien followed up on the actions of Prime Minister Trudeau. The run of Canadian prime ministers has fully understood the potential of China not only for its position in the world, but also for the enhancement of Canadian trade.

I believe it was in the 1970s that the Canadian International Development Agency opened a program in China. Many wondered why CIDA would go into China and what difference it would make, because of the enormity of China to begin with and, in quantitative terms, the smallness of the actual dollar figure of the CIDA program. When one considers that one of the roles of CIDA is indeed to anticipate future trading growth, then one can see that it was a wise decision for CIDA to go into China.

In answering this question, I should like Senator Austin to put his answer in the framework of the development model that China used. Whereas countries such as India chose an industrial model upon which to build their economy and let the agrarian economy fend for itself, China went the other way. China put its resources that were limited at the time into the agrarian development and agriculture.

The Hon. the Speaker: Senator Roche, I will advise you that the rules provide for a comment or question. However, in light of the signals I am getting, I wonder if I could ask you to get to the question.

Senator Roche: Honourable senators, Senator Austin will realize that I was framing the question to allow him to draw upon the resources that are in his mind to give a satisfactory answer on Canada-China relations.

In the agrarian development of China, it has now been proved that that model of development has brought them to a point where they can industrialize at a rapid rate, and that is what Senator Austin said.

With this in mind, what is the intention of the government with respect to the continuation of any CIDA programs in China? Will they be needed? Will CIDA be lost in the welter of the growth of the Chinese economy? In what manner will Canada try to use its enhanced access to the Government of China to further China-Canada relations?

Senator Lynch-Staunton: "Yes" or "no."

Senator Austin: Honourable senators, this bill deals with Canada's trade relationship with China. Senator Roche is asking me questions that range widely on the general subject of the development of China and the Canada-China relationship.

In brief, I believe, as does Senator Roche, that CIDA has played a significant role in the Canada-China relationship and that it has been targeted in the right sectors: the rural economy of China, the alleviation of poverty and a special support to those parts of the Canadian business sector that can carry out CIDA's objectives.

In response to the question of which is the right way to go, China's prime mandate was to feed its people. Historically, this has been an enormously difficult problem in China, one that has been solved by China's policies and the assistance of the world.

I need only mention, in the same bipartisan way that I believe this bill demands that we treat it, that it was in 1960 that Canada provided China with the first assistance to purchase wheat, at a time when China's population was suffering from deprivation.

Senator Lynch-Staunton: Name the minister.

Senator Austin: I should be delighted to name the minister, as Senator Lynch-Staunton has requested. Mr. Alvin Hamilton was the Minister of Agriculture at that time. I am happy to also acknowledge that this program was established under the Right Honourable John Diefenbaker. This was a policy correctly decided and carried out in 1960. The point I wish to make again is that we have seen a number of prime ministers of Canada recognize the importance of China. Our policy towards China has not been partisan.

Finally, this bill was specifically drafted to put in place provisions to protect Canadian industry. While nothing must be done immediately in the event that something unexpected happens, Canadian industry would like to see these provisions implemented soon. These are the domestic industries of Canada that might, under certain circumstances, be adversely affected by import surges.

On motion of Senator Kinsella, for Senator Kelleher, debate adjourned.

[Translation]

THE SENATE

COLOMBIA—RESOLUTION OF CONCERN OVER
VIOLENT EVENTS AND RECENT THREATS TO
DEMOCRACY—MOTION—DEBATE ADJOURNED

Leave having been given to proceed to Item No. 138 on the Orders of the Day:

Hon. Céline Hervieux-Payette, pursuant to notice given May 3, 2002, moved:

Recognizing the important efforts made by the Colombian government to seek a lasting peace for the people of Colombia;

Regretting the breakdown in the peace process;

Stressing that the protection of Colombia's civilian population remains a primary concern;

Noting that the intensification of violence since the breakdown in the peace negotiations between the Government of Colombia and the Revolutionary Armed Forces of Colombia (FARC) is seriously undermining the legitimacy of the electoral process; and

Considering that attacks by the armed actors, including the abduction of Presidential candidate Ingrid Betancourt on February 23, 2002, and plots to assassinate other leading candidates, are compromising the democratic process in Colombia;

The Senate of Canada

Expresses concern regarding the violent events and recent threats to democracy in Colombia;

Urges the Revolutionary Armed Forces of Colombia (FARC) for the immediate and unconditional liberation of all hostages that remain kidnapped, including Mrs. Betancourt and her assistant Clara Rojas; and

Calls on all parties to respect their obligations under international humanitarian law and to take steps leading to a negotiated and just peace, that will provide a secure future for all Colombians and end the armed conflict; and

That a Message be sent to the House of Commons informing that House that the Senate has passed this Resolution and requesting that House to unite with the Senate therein.

She said: Honourable senators, almost two years ago, we created the Inter-Parliamentary Forum of the Americas. If we are serious, we have a duty to take part in the activities of a group which will work for the advancement of the Americas. We also have a duty to help consolidate the democratic process of one of the team members.

• (1520)

I drafted this motion so that Canadian parliamentarians could send a clear message about the parliamentary process, which begins with free elections in which citizens are allowed to take part without constraints or threats.

Honourable senators, it is in this spirit that I seek your support.

[English]

Hon. A. Raynell Andreychuk: Honourable senators, I, too, wish to say a few words on this motion. First, I wish to thank Senator Hervieux-Payette for bringing the motion forward. As

most of our attention in the recent past has been on the Middle East and Afghanistan, it is only right that we look to all difficulties around the world, and Colombia has certainly been facing them for many years as the motion and its preamble point out.

The preamble to the motion fairly states the issues. As honourable senators know, one of the presidential candidates, Ingrid Betancourt, along with her assistant, have been abducted. To date, there have been no successful efforts to free them, nor, for that matter, many other hostages. As we all know, hostage taking is a recurring event in Colombia.

Canada continues to be a key player, and I commend the government for its actions in that regard. I also want to commend the Canadian embassy in Colombia. The people who work there actually put their lives on the line. There is very little security in Colombia and it is most difficult for our embassy staff to do the kind of work we can do in other countries. I believe they are often under threat.

In Colombia, altercations often occur between paramilitary groups and revolutionary groups. NGOs have been trying to work with civilians to ensure safe passage. I am speaking of the traditional NGOs with which we in Canada are familiar, along with some of the newer ones, such as Peace Brigades International. Because of the involvement of civil society and the Canadian government it is important that Parliament note the situation and express its concern, as Senator Hervieux-Payette has outlined in her motion.

MOTION IN AMENDMENT

Hon. A. Raynell Andreychuk: Honourable senators, having said that, I should like to move an amendment to the motion. I move:

That the motion be amended by adding the following after the last paragraph:

That the Speaker of the Senate transmits this Resolution to the following authorities:

1. The Canadian Ambassador to Colombia
2. The Canadian Ambassador to the Organization of American States — OAS
3. The President of the Colombian Senate.

Senator Hervieux-Payette is in agreement with my amendment, which simply elaborates on what she has indicated.

With that, I trust all senators will be supportive of this resolution.

The Hon. the Speaker: Honourable senators, is the house ready for the question?

Hon. Anne C. Cools: Honourable senators, it seems to me that there is quite a substantial initiative before us. I was hoping we could have some more debate on the subject matter.

[Senator Hervieux-Payette]

The Hon. the Speaker: Does the Honourable Senator Cools wish to speak?

Senator Cools: This is somewhat unusual, honourable senators. There is a motion before us. As soon as the motion was brought before us, a motion in amendment was introduced.

The Hon. the Speaker: I think I follow the Honourable Senator Cools. Please take your seat.

Is the House ready for the question?

Some Hon. Senators: Yes.

Senator Cools: On what?

The Hon. the Speaker: To respond to the question of Senator Cools, I am asking if the house is ready to deal with the vote on the motion in amendment proposed by Senator Andreychuk, seconded by Senator Hervieux-Payette.

Is the house ready for the question?

Senator Cools: No. We do not have copies of it.

Senator Di Nino: Adjourn the motion if you like.

Senator Cools: It would be nice to debate it.

The Hon. the Speaker: Senator Cools, I understand what you are saying. It is up to the house to decide whether or not it wishes to deal with the question.

Senator Cools: I will take the adjournment of the debate, then.

On motion of Senator Cools, debate adjourned.

FOOD AND DRUGS ACT

BILL TO AMEND—THIRD READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Cook, for the third reading of Bill S-18, to amend the Food and Drugs Act (clean drinking water).—(*Honourable Senator Sibbeston*).

Hon. Thelma J. Chalifoux: Honourable senators, I rise today to support Bill S-18. First, I would like to express my appreciation to Senator Grafstein for having the foresight and courage to address this most important issue facing all Canadian communities.

Water is our staff of life. Without it, or if it is polluted, we die. As Senator Banks stated in his remarks, we ingest water, along with all foodstuffs. Government regulations state that anything that is ingested must be safety approved. We ingest water.

I will not repeat what my other colleagues have stated. However, I will tell honourable senators why it is so important for us to support Bill S-18.

During the 1970s, I was living and working in the Lesser Slave Lake area of northern Alberta. It was common knowledge that 6 to 12 babies died every year in Wabasca from an intestinal disease called shigella and other parasitic diseases. Many other children and elders died because they ingested the water from the Wabasca River and the lake.

These babies were sent to Edmonton for autopsies and then shipped back home by bus in cardboard boxes without even having their little cut-up bodies repaired. My youngest son was infected with diphtheria and spent a long time in the hospital. If water had been included in the Food and Drugs Act as a commodity that we ingest, just maybe some of our babies would be alive today.

To the best of my knowledge, water quality in the Wabasca area has improved somewhat. However, there are many reserves and Aboriginal communities that are still ingesting bad water.

A 1995 Health Canada report found that 171 reserves, which means one in five, had unsafe water systems. Some of the northern reserves do not even have water. These statistics have not changed to this day. We suffer beaver fever, which is a chronic, debilitating affliction caused by unsafe water. The Yellowquill First Nation in Saskatchewan has been forced to boil their water since 1995.

If we are to make positive changes to the health of all Canadians, we must support Bill S-18. Water is truly our staff of life. We ingest it every day. Aboriginal communities are a large part of the Canadian mosaic, yet it appears our communities are the most neglected.

With the passing of Bill S-18, we will be better able to make the necessary improvements to water quality without challenging provincial jurisdictions. Dr. Schindler, the world renowned environmental expert continues to remind us that, yes, we need watershed management across constitutional lines, but first and foremost we need to address the burning issues of public health arising out of bad drinking water in every region across Canada.

To do nothing, to delay, is to convert this festering problem of public health into a national tragedy. This, we cannot afford.

I urge all senators to support Bill S-18.

On motion of Senator Robichaud, for Senator Sibbeston, debate adjourned.

• (1530)

FEDERAL NOMINATIONS BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Stratton, seconded by the Honourable Senator Cohen, for the second reading of Bill S-20, to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions.—(*Honourable Senator Cools*).

Hon. Anne C. Cools: Honourable senators, I rise to speak to second reading of Bill S-20, to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions.

Honourable senators, Bill S-20 is wholly, concerned with Her Majesty's Royal Prerogative, in particular, the prerogative of making appointments, the prerogative known as the patronage of the Crown. Consequently, it needs a Royal Consent from Her Excellency the Governor General Adrienne Clarkson for Parliament to even consider and debate this bill.

Honourable senators, on several occasions I have raised the question of the need for Royal Consent to this class of bills — bills that touch the prerogative law-making interests of the sovereign, the Queen. Some of us have been proved right on many occasions. In June 2000, the Senate debated the clarity bill, Bill C-20. At that time we raised this very question, asserting that Bill C-20 then required the Royal Consent.

To that end, on June 20, 2000, a point of order was raised on that very point. The Senate Speaker, Senator Molgat, never answered the question, but the politics did. We were right. Bill C-20 required the Royal Consent.

Some days later, on June 29, 2000, Senator Boudreau, minister, Leader of the Government in the Senate, gave the Royal Consent here. Similarly, a year or so later, I insisted that Senator Lynch-Staunton's Royal Assent bill, Bill S-13, in its last reincarnation, needed a Royal Consent. On October 2, 2001, Senator Lynch-Staunton withdrew his Bill S-13. That same day, the government, in the person of Senator Sharon Carstairs, introduced its own Royal Assent bill having the same objective, being Bill S-34, respecting Royal Assent to bills passed by the Houses of Parliament.

On October 4, 2001, as she moved second reading — and this is important — Senator Carstairs, Leader of the Government in the Senate, signified the Royal Consent. That Royal Consent had been obtained by Her Majesty's ministers even before the bill was introduced for first reading in this chamber. Upon moving the motion for second reading, Senator Carstairs said in part:

I have the honour to advise this house that:

Her Excellency the Governor General has been informed of the purport of this bill and has given consent, to the degree to which it may affect the prerogatives of Her Majesty, to the consideration by Parliament of a Bill...

Honourable senators, I come now to Senator Stratton's Bill S-20. Senator Stratton is a private member and an opposition member. In response to a point of order raised June 5, 2001, by Senator Joyal, the Senate Speaker, Senator Hays, ruled on October 25, 2001, that Bill S-20 did need a Royal Consent. He stated at page 1490 of the *Debates of the Senate*:

Having now arrived at the conclusion that Bill S-20 affects the prerogative, I must conclude that it requires the Royal Consent.

Obviously, honourable senators, Bill S-20 needs the Royal Consent. The matter is therefore settled. The only outstanding question now before the Senate is how and when Senator Stratton proposes to obtain that Royal Consent. Her Majesty's ministers are known and chosen by her, and known to have ready access to Her Majesty. However, that is not the case in the instance of a private member or member of the opposition. They have no such access to the Crown. There are many precedents in parliamentary jurisprudence that inform of the procedure for members of the opposition to follow to obtain the Royal Consent.

Honourable senators, I assert yet again that Bill S-20 requires the Royal Consent prior to its second reading vote. This is a prescribed procedure laid down by the two fundamental laws, the law of Parliament, the *lex parliamenti*, and the law of the prerogative, the *lex praerogativa*. The authorities and parliamentary jurisprudence dictate this. I shall repeat some of these authorities on the need for Royal Consent. First, *Beauchesne's Parliamentary Rules & Forms*, sixth edition, paragraph 727(1) states:

The consent of the Crown is always necessary in matters involving the prerogatives of the Crown. This consent may be given at any stage of a bill before final passage; though in the House it is generally signified on the motion for second reading. This consent may be given by a special message or by a verbal statement by a Minister, the latter being the usual procedure in such cases.

I repeat, "by a minister."

It will also be seen that a bill may be permitted to proceed to the very last stage without receiving the consent of the Crown but if it is not given at the last stage, the Speaker will refuse to put the question. It is also stated that if the consent were withheld, the Speaker has no alternative open except to withdraw the measure.

Honourable senators, I shall speak to this outstanding question of obtaining Royal Consent by private members, as is the case of Bill S-20. As was shown by Senator Bernard Boudreau, a minister, and Senator Carstairs, a minister, the Royal Consent must be announced in this chamber by a minister, a member of the Privy Council. They were both members of the Privy Council. That is one of the reasons that the Government Leader in the Senate must be a minister of the Crown and must be a privy councillor.

The process of obtaining the Royal Consent by a private member, however, is different from the process of obtaining that consent by a minister of the Crown. A private member can only obtain the Royal Consent by an address, that is, by moving a motion for an address of the house to Her Majesty, or to Her Majesty's representative, praying for her approval, her Royal Consent, to place the issues before Parliament.

For those honourable senators who may not know what an address is, an address is the peculiar name for a motion and the peculiar name for a conversation with the sovereign, with Her Majesty in this instance, Her Majesty's representative being the Governor General.

The private member's first task is to ask the Senate and all its members, by motion, to agree to seek the Governor General's approval. If the entire Senate gives such approval, the Governor General must then agree to the address and then indicate that agreement by a message to the Senate. That message must be indicated to all honourable senators. The authorities tell us this. Beauchesne's, sixth edition, paragraph 728, states:

In any case where a private Member wishes to obtain the consent of the Crown, the Member may ask the House to agree to an Address for leave to proceed thereon before the introduction of the bill.

Sir John George Bourinot in his *Parliamentary Procedure and Practice in the Dominion of Canada*, fourth edition, 1916, said the same, that:

In any case where a private member wishes to obtain the consent of the Crown, he may ask the house to agree to an address for leave to proceed thereon, before the introduction of the bill. The consent should be properly given before the committal of the bill...

I repeat: "The consent should be properly given before the committal of the bill..." For those honourable senators who do not know, "committal" means referring the bill to committee.

These parliamentary authorities are unanimous that on the law of Parliament, the *lex parliamenti*, the parliamentary procedure dictates that private members must move a motion to secure the agreement of the house to seek leave of the Governor General to proceed to introduce, consider and debate the bill.

Honourable senators, every single senator here has a right to debate and vote on such a motion address asking the Governor General to agree. Any attempt to deprive any senator of that is a breach of privileges and a contempt of Parliament. To do so is to breach the law of Parliament and Parliament's privileges. The process for determining the need for Royal Consent is the very debate on the motion for the address itself, a fact that seems to elude Senator Stratton.

• (1540)

The debate on the address is the parliamentary procedure for making the determination of Parliament's will for asking the Governor General's agreement. It is not good enough to say, "Send the bill to committee." This chamber alone can make that

determination. The method, the procedure and the proceedings for making such a determination are the debate and the conclusion on a motion for an address.

Honourable senators, I speak now to the fact that the sponsor of Bill S-20 is not only a private member but is also a member of the opposition. I shall come to the peculiar issue involved here for opposition members. For opposition members seeking the Royal Consent, the parliamentary procedure for a motion for an address to Her Majesty becomes even more compelling and absolute. The two most famous precedents in parliamentary jurisprudence on addresses from opposition members are the 1868 instance of William Ewart Gladstone in the United Kingdom's House of Commons and the 1911 Lord Lansdowne instance in the House of Lords.

In the first instance, being May 7, 1868, William E. Gladstone, while in opposition — the operative point is while being on the opposition benches, not in government because an opposition member has no access to Her Majesty, whereas government ministers do. Mr. Gladstone, while in opposition, moved an address to the House to Her Majesty the Queen for the Royal Consent. In England, they call it "Queen's Consent." Here, we call it the "Royal Consent." Mr Gladstone said:

...in this instance, the case is different. The interest of the Crown is in this case not merely a proprietary interest, but one of wide and far-reaching import; and also this is a Bill which, although it is not proposed by the Government, would be, I may say, proposed on behalf of a very large proportion of the Members of this House, acting together —

The Hon. the Speaker pro tempore: Honourable Senator Cools, your time has expired. Do you wish to ask for leave? You have already spoken on this bill, so you had nine minutes.

Hon. Terry Stratton: I should like to move adjournment of the debate in the name of Senator Tkachuk.

The Hon. the Speaker pro tempore: It is moved by the Honourable Senator Stratton, seconded by the Honourable Senator Kinsella, that the debate be adjourned in the name of Senator Tkachuk.

POINTS OF ORDER

Hon. Nicholas W. Taylor: Honourable senators, I rise on a point of order. The honourable senator has proposed a motion to adjourn the debate prior to the Speaker asking the house for permission for Senator Cools to speak longer.

The Hon. the Speaker pro tempore: I did not hear Senator Cools ask for leave to continue, so I took the motion to adjourn.

Hon. Anne C. Cools: Yes, I had asked for leave. I happily ask for leave.

The Hon. the Speaker pro tempore: Is leave granted, honourable senators?

Some Hon. Senators: No.

The Hon. the Speaker *pro tempore*: Leave is not granted.

Senator Taylor: You are a good sport, aren't you.

The Hon. the Speaker *pro tempore*: There is a motion to adjourn.

Senator Cools: I rise on a point of order. My point of order revolves around the proceeding before us, being Bill S-20. Bill S-20 tells us that it is a bill intended to alter, reform and to change the manner and the mode in which major appointments are made. In fact, honourable senators, the summary of the bill reads, in part, as follows:

It establishes a committee of the Queen's Privy Council for Canada to develop public criteria and procedures, provides a process to identify and assess candidates and provides for parliamentary review of appointments.

Appointments to the positions of Governor General, Chief Justice of Canada, Speaker of the Senate, Lieutenant Governor of a province, Commissioner of a territory and to the Supreme Court of Canada and the Senate must be reviewed.

We have here a bill that proposes to alter or correct or reform or change the mode and the method of making appointments in this country.

As we will all know, honourable senators, the Speaker of the Senate has properly ruled in a previous ruling that Bill S-20 needs the Royal Consent; that is the very foundation on which I raise my point of order.

I should be happy to give a particular piece of parliamentary jurisprudence. The eminent Lord Lansdowne, who, as we know, was one of the pre-eminent experts on Parliament, spoke eloquently on March 30, 1911, about the question of obtaining the Royal Consent by an opposition member. What we have before us, honourable senators, is a bill that needs a Royal Consent; the member who is proposing the bill has no means of obtaining such Royal Consent. Therefore, this chamber procedurally has to deal with the question of how this bill will be moving ahead.

The question that I am asking His Honour to rule upon is precisely that. What is the proper parliamentary procedure under the law of Parliament for a member of the opposition to obtain the Royal Consent? It is not satisfactory for any member of the opposition to allow this chamber to believe that mysteriously, somehow or other, the Royal Consent is going to spring out of the air and land on his or her Bill S-20.

It is clear, it seems to me, that this bill has been around for about a year and that if the government had any intention of assuming the bill to itself it would have risen in this chamber and indicated that it intends to give such —

The Hon. the Speaker: Senator Cools, another matter of order has intervened.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I do not believe an honourable senator can raise a point of order when the point of order itself is out of order. The point of order that is being made presently contravenes what is found in Beauchesne, on page 96, of the sixth edition. Paragraph 317, subparagraph 4, reads, in part, as follows:

Points of order or questions of privilege may not be raised when the House is debating a motion for the adjournment...

There is a motion on adjournment before us.

Senator Taylor: Adjournment of the house.

The Hon. the Speaker: If I could interrupt honourable senators, to try to see where we are in terms of the road ahead of us. Senator Cools did rise after the motion to adjourn was put. A point of order has been raised as to orderliness of raising a point of order when a certain matter is before the Senate, namely, the question of whether or not debate should be adjourned.

I would ask the Table for a copy of Beauchesne, to confirm Senator Kinsella's reference.

Senator Taylor, we are on that point of order now. Did you wish to comment on that point of order, Senator Taylor?

Senator Taylor: Prior to that, I did not see how someone who had made a motion could adjourn the debate to stifle debate or stop a question being asked.

Senator Kinsella: That was Senator Tkachuk.

Senator Taylor: This is Senator Stratton's motion; therefore, he should not have his hands on it as far as adjourning the debate. Admittedly, he is assisting the house leader, but I do not think the power has gone to his head. Beauchesne-wise, he should not have the right to close off debate by adjourning his own motion when he is getting the worst of it.

• (1550)

The Hon. the Speaker: On the point of order that Senator Kinsella has raised, I am not sure that Senator Taylor addressed it, but we will be generous. On that point of order, Senator Cools may speak.

I should also set a time frame within which I would hope to hear the three matters raised before us. Perhaps they can be dealt with expeditiously. I will hear from the senators who have raised the matters. I will hear other senators once and then go back to the other senators to hear them again. I will then either take the matter under consideration or deal with it today.

I have heard Senator Kinsella on the point of order. I have heard Senator Taylor. I will now hear Senator Cools.

Senator Cools: I will be interested in learning the manner and method of determining whose point of order takes precedence over whose. If we are looking at points of order, I was on the floor with a point of order. If we have many emerging points of order, perhaps we should set them up and deal with them consecutively, beginning with the one first raised. Under that scenario, we would move to the next point of order after the Speaker has ruled.

It seems to me that we simply cannot have two points of order proceeding at the same time.

My point of order preceded the others. As a matter of fact, the question that is being raised, as far as I am concerned, is an attempt to interrupt, to stifle and to end debate. It is not a question of a point of order. It is a well-established principle in this place that points of order are not supposed to be used to end debates. They may be used to prolong debates. They may be used to filibuster. They may be used to do many things, but they should not be used to end debates.

In addition, we also have this very important point: I had asked for leave to speak longer, to have my time extended, when Senator Stratton rose. He did not answer the question being put to the chamber, which was whether or not I should have leave to complete my remarks. He was attempting, quite frankly, to supersede that question being put to the chamber by immediately attempting to adjourn the debate.

If we are talking about order, we should sort it out. The fact is that the point of order that I raise is the important question that is before us, that is, that a bill is proceeding before us improperly, in violation of the law of Parliament and the centuries-old rules of this place. That is my point of order.

It is improper for Your Honour, Senator Kinsella or anyone else to attempt to use a point of order to displace a first point of order. It is simply not in order.

Senator Taylor: She has a point there.

Senator Cools: It is not in order. I am curious why it is that Senator Stratton is not willing to hear these arguments.

The Hon. the Speaker: Senator Cools, I will try to deal with some of the issues before us so that we can get down to a specific issue.

Senator Cools, I will not be long. You will be able to speak again.

Senator Lynch-Staunton: Take your time. We need a soothing voice.

The Hon. the Speaker: I will dispose of several of these matters. One is the right of a senator to rise to adjourn a debate in someone's name. Senator Taylor has raised an objection to that practice. I will say that Senator Taylor's objection is not valid.

I will ask Senator Taylor to listen to me. Perhaps it will help us if he does.

That is not a valid objection because the motion to adjourn is not a debatable motion. We have that rule to prevent a senator from participating in a debate more than once. Senator Stratton, although he has spoken to the bill, was not in a position to do that. Accordingly, I do not believe there is anything wrong — and I so rule — with his moving adjournment of the debate.

The other matter I should like to dispose of is Senator Kinsella's issue of whether it is in order to raise a point of order when we have a matter before the house. The matter is the motion to adjourn of Senator Stratton.

I have not had a chance to spend much time on it, but it is getting late on a Thursday afternoon, and I will dispose of it by allowing Senator Cools to proceed with the point of order she has raised. However, I would point out to Senator Cools that we have had a ruling on this — although I have not read it recently — and if memory serves me the last few lines of the ruling indicate that it is in order to proceed with debate on this, even though the matter is one that would require Royal Consent before becoming law. However, I should be cautious in commenting on the ruling.

In any event, for you to have a point of order — and I will listen to you for a while — we need something new. Otherwise, the matter has been ruled on.

Therefore, I will hear Senator Cools finish her remarks. I will go to other senators wishing to comment, and then I will either take it under advisement or rule.

Senator Cools: Thank you, Your Honour.

The point on which I am raising my point of order has not been addressed in the particular ruling. In support of that, I should like to offer Lord Lansdowne and his great contribution on parliamentary jurisprudence on the questions of opposition members and how they obtain the Royal Consent. On March 30, 1911, Lord Lansdowne in opposition in the House of Lords said:

...it is certainly a breach of the law of Parliament to pass through either House a bill affecting the Prerogative of the Crown without the assent of the Crown. I do not think any one will dispute that. We also conclude from these precedents that, although this assent may be signified at any stage, it is the proper course to obtain it before the introduction of the Bill. But we draw this further conclusion in reference to cases where the Bill is introduced...not by the Government, but by the Opposition. The case of the introduction of such a Bill by the Opposition is clearly a different case from the introduction of a similar Bill by the Government, because it is perfectly fair to assume that if the Government makes itself responsible for the Bill it can at any moment count upon the assent of the Crown. That, of course, is not true when the Bill is moved from the Opposition side of the House....

Lord Lansdowne continued:

We therefore draw the conclusion that if a Bill affecting the Royal Prerogative is brought forward by the Opposition it is indispensable that the Royal Assent should be signified before the Bill has been actually introduced, and, my Lords, that is the course which we propose, with the permission of the House, to adopt this evening.

The Hon. the Speaker: Senator Cools, the matter of when the Speaker has heard enough to make a determination on a point of order is in the discretion of the Speaker. We have no 15-minute rule or whatever.

I will exercise discretion here. I request that you sum up your arguments in the next five minutes.

Senator Cools: I am planning to finish in the next minute.

What I was trying to say, honourable senators, is clear and well established by the parliamentary jurisprudence, that very clearly a Royal Consent is needed and that the government has the ability to bring forth a consent, but the opposition has no such ability.

I am attempting to say that, in the name of the law of Parliament and in the name of the law of the prerogative, it is the duty of Senator Stratton to inform and to indicate to this house how he intends to obtain the Royal Consent as a member of the opposition. All the jurisprudence shows very clearly that the Royal Consent should be introduced earlier than later, and when it is to be introduced later it is only done so because it is being introduced by the government.

My five minutes are not up, Your Honour.

Therefore, I am trying to say that there are two systems of the law. Furthermore, I should like to say on this particular matter that what I am outlining is nothing that has been created. This is not a piece of fiction. I am talking about the law of Parliament, which is the law that governs how we proceed and how we conduct ourselves here. These two systems of law buttress and protect each other. I am saying that it is a violation of the law of Parliament to have a bill proceed in this way, knowing that it needs the Royal Consent. His Honour has already ruled that it needs the Royal Consent. The sponsor of the bill continues to be disinclined to inform senators as to how he intends to proceed to obtain that Royal Consent. He is asking for our support on the bill. First, he must tell us how he will get that Royal Consent. That is the proper and the parliamentary thing to do.

• (1600)

Hon. Marcel Prud'homme: Your Honour just said that you can exercise your prerogative. I am inclined to believe that. Maybe at this time Your Honour would like to take everything that has been said into consideration and render a decision next week. I am sure that will meet with the approval of all senators. We can then proceed with today's Order Paper.

Senator Kinsella: Honourable senators, I simply want to place on the record that we disagree that there is a point of order here. We disagree with the arguments that have been proffered by

Senator Cools. It is our view that Bill S-20 does not require Royal Consent. In the alternative, even if it did, former Speaker Molgat has ruled on this type of matter.

Further to that, it seems to me that an honourable senator has forfeited a claim to speak to the form of the bill when they spoke at great length to the substance of the bill and have held the matter adjourned in their name for some 27 days. For all of those reasons, I would urge His Honour to rule that there is no point of order.

Senator Taylor: The honourable senator obviously has a point in that 27 days have gone by. Maybe we felt that he would not be so brash as to try to push it again.

Nevertheless, in support of my colleagues, I would ask honourable senators to look at page 173 of Beauchesne's, paragraph 559, which states that:

Dilatory motions are designed to dispose of the original question either for the time being or permanently.

We all know if one takes the adjournment in this house, one can sit on it until the cows come home.

Later, that same paragraph states:

Adjournment motions are in this class because they may sometimes be used to stop a debate which will never be resumed.

I know my honourable friend across the floor. I think that is exactly the egg he was trying to hatch.

The Hon. the Speaker: Honourable senators, I have not had a chance to reread the ruling I gave on this matter. I will take a look at it. A couple of new issues have been added. I will look at those as well and come back to the house as soon as I can with a ruling on the questions that have been put before us.

Debate adjourned to await Speaker's ruling.

[Translation]

SURVEY OF MAJOR SECURITY AND DEFENCE ISSUES

REPORT OF NATIONAL SECURITY AND DEFENCE— DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the Fifth Report (Final) of the Standing Senate Committee on National Security and Defence entitled: *Canadian Security and Military Preparedness*, deposited with the Clerk of the Senate on February 28, 2002.—(Honourable Senator Atkins).

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, Senator Lapointe wished to comment when debate on the Report of the Standing Senate Committee on National Security and Defence resumed. The debate will then be adjourned in the name of Senator Atkins.

[Senator Cools]

Hon. Jean Lapointe: Honourable senators, I do not understand much of what has just happened: when it comes to crossing the T's and dotting the I's in regulations and such, I find that it takes up far too much time. My remarks will be brief. I would probably need to study for another 25 or 30 years to understand half of what Senator Cools does.

I am annoyed that we waste so much time on crossing T's and dotting I's on regulations. This comes back to my aversion to wasting time. People should meet and discuss this in private instead of wasting everyone's time. Those who are present and who have things to say end up speaking at the end of the day when there is nobody left to hear them. Senator Cools will tell me that I do not have much experience! I know, but at least I have not wasted much of the Senate's time until now, or at least, I hope not.

Honourable senators, despite the many speeches, some of which were very judicious and interesting speeches, and some of which were quite long and boring, and despite my reticence against this government investing billions of dollars in the armed forces, I believe that it is necessary for me to speak to this.

However, it seems to me that if billions of dollars were to be used to do justice to our doctors, nurses and health care workers, the public might be much better off.

For myself and for a large number of Canadians, Canada's role on the international scene has for decades been that of a pacifist, and I hope that it will remain so. I personally do not know any enemies to our country.

Why should Canada invest enormous amounts of money to please our neighbours south of the border who, over the years, have made countless enemies? Must we always follow the one-sided policy of domination of the U.S. imperialist? We live in a country that is ours and I deplore the fact that, unfortunately, we are all too often at the mercy of the decisions made in Washington.

As former Minister of Foreign Affairs Lloyd Axworthy recently said:

The worst thing that we can do is go along hand in hand with the United States...This would definitely put us in a position of subordination.

Honourable senators, I have a question in my mind. Are we not a nation? Are we not big enough to conduct our own affairs as we deem fit? I am simply asking the question.

Sure, the United States is a powerful nation and is our ally, but must we always yield to the President of the United States, to the U.S. strategists or to the governors of the various States? Heaven knows that some of them are very narrow-minded and cannot see beyond their limited intelligence.

In conclusion, I agree that the current context is difficult, but for heaven's sake, let us show some backbone!

On motion of Senator Atkins, debate adjourned.

• (1610)

ADJOURNMENT

Leave having been given to revert to Notices of Government Motions:

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, May 7, 2002, at 2 p.m.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, May 7, 2002, at 2 p.m.

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act respecting marine liability, and to validate certain by-laws and regulations	01/01/31	01/01/31	—	—	—	01/01/31	01/05/10	6/01
S-3	An Act to amend the Motor Vehicle Transport Act, 1987 and to make consequential amendments to other Acts	01/01/31	01/02/07	Transport and Communications	01/05/03 amended 01/05/09	3	01/05/10	01/06/14	13/01
S-4	A First Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	01/01/31	01/02/07	Legal and Constitutional Affairs	01/03/29	0 + 1 at 3rd	01/04/26	01/05/10	4/01
S-5	An Act to amend the Blue Water Bridge Authority Act	01/01/31	01/02/07	Transport and Communications	01/03/01	0	01/03/12	01/05/10	3/01
S-11	An Act to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other Acts in consequence	01/02/06	01/02/21	Banking, Trade and Commerce	01/04/05	17 + 1 at 3rd	01/05/02 Senate agreed to Commons Amendments 01/06/12	01/06/14	14/01
S-16	An Act to amend the Proceeds of Crime (Money Laundering) Act	01/02/20	01/03/01	Banking, Trade and Commerce	01/03/22	0	01/04/04	01/06/14	12/01
S-17	An Act to amend the Patent Act	01/02/20	01/03/12	Banking, Trade and Commerce	01/04/05	0	01/05/01	01/06/14	10/01
S-23	An Act to amend the Customs Act and to make related amendments to other Acts	01/03/22	01/05/03	National Finance	01/05/17	11 + 2 at 3rd 01/06/06	01/06/07	01/10/25	25/01
S-24	An Act to implement an agreement between the Mohawks of Kanesatake and Her Majesty in right of Canada respecting governance of certain lands by the Mohawks of Kanesatake and to amend an Act in consequence	01/03/27	01/04/05	Aboriginal Peoples	01/05/10	0	01/05/15	01/06/14	8/01
S-31	An Act to implement agreements, conventions and protocols concluded between Canada and Slovenia, Ecuador, Venezuela, Peru, Senegal, the Czech Republic, the Slovak Republic and Germany for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	01/09/19	01/10/17	Banking, Trade and Commerce	01/10/25	0	01/11/01	01/12/18	30/01

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-33	An Act to amend the Carriage by Air Act	01/09/25	01/10/16	Transport and Communications	01/11/06	0	01/11/06	01/12/18	31/01
S-34	An Act respecting royal assent to bills passed by the Houses of Parliament	01/10/02	01/10/04	Rules, Procedures and the Rights of Parliament	02/03/05	4 + 1 at 3rd	02/03/19		
S-40	An Act to amend the Payment Clearing and Settlement Act	02/03/05	02/03/12	Banking, Trade and Commerce	02/03/14	0	02/03/19		
S-41	An Act to re-enact legislative instruments enacted in only one official language	02/03/05	02/03/20	Legal and Constitutional Affairs					

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-2	An Act to amend the Employment Insurance Act and the Employment Insurance (Fishing) Regulations	01/04/05	01/04/24	Social Affairs, Science and Technology	01/05/03	0	01/05/09	01/05/10	5/01
C-3	An Act to amend the Eldorado Nuclear Limited Reorganization and Divestiture Act and the Petro-Canada Public Participation Act	01/05/02	01/05/10	Energy, the Environment and Natural Resources	01/06/06	0	01/06/12	01/06/14	18/01
C-4	An Act to establish a foundation to fund sustainable development technology	01/04/24	01/05/02	Energy, the Environment and Natural Resources	01/06/06	0	01/06/14	01/06/14	23/01
C-6	An Act to amend the International Boundary Waters Treaty Act	01/10/03	01/11/20	Foreign Affairs	01/12/12	0	01/12/18	01/12/18	40/01
C-7	An Act in respect of criminal justice for young persons and to amend and repeal other Acts	01/05/30	01/09/25	Legal and Constitutional Affairs	01/11/08 negated 01/12/10	11 1 at 3rd 01/12/13	01/12/18	02/02/19	1/02
C-8	An Act to establish the Financial Consumer Agency of Canada and to amend certain Acts in relation to financial institutions	01/04/03	01/04/25	Banking, Trade and Commerce	01/05/31	0	01/06/06	01/06/14	9/01
C-9	An Act to amend the Canada Elections Act and the Electoral Boundaries Readjustment Act	01/05/02	01/05/09	Legal and Constitutional Affairs	01/06/07	0	01/06/13	01/06/14	21/01
C-10	An Act respecting the national marine conservation areas of Canada	01/11/28	02/02/05	Energy, Environment and Natural Resources					
C-11	An Act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger	01/06/14	01/09/27	Social Affairs, Science and Technology	01/10/23	0	01/10/31	01/11/01	27/01
C-12	An Act to amend the Judges Act and to amend another Act in consequence	01/04/24	01/05/09	Legal and Constitutional Affairs	01/05/17	0	01/05/29	01/06/14	7/01
C-13	An Act to amend the Excise Tax Act	01/04/24	01/05/01	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	15/01
C-14	An Act respecting shipping and navigation and to amend the Shipping Conferences Exemption Act, 1987 and other Acts	01/05/15	01/05/30	Transport and Communications	01/10/18	0	01/10/31	01/11/01	26/01

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-15A	An Act to amend the Criminal Code and to amend other Acts	01/10/23	01/11/06	Legal and Constitutional Affairs	02/02/19	2 + 1 at 3rd 02/03/12	02/03/19 Message from Commons agreeing with two amendments, and disagreeing with one 02/04/24		
C-17	An Act to amend the Budget Implementation Act, 1997 and the Financial Administration Act	01/05/15	01/05/30	National Finance	01/06/07	0	01/06/11	01/06/14	11/01
C-18	An Act to amend the Federal-Provincial Fiscal Arrangements Act	01/05/09	01/05/31	National Finance	01/06/12	0	01/06/12	01/06/14	19/01
C-20	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2001	01/03/21	01/03/27	—	—	—	01/03/28	01/03/30	1/01
C-21	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/03/21	01/03/27	—	—	—	01/03/28	01/03/30	2/01
C-22	An Act to amend the Income Tax Act, the Income Tax Application Rules, certain Acts related to the Income Tax Act, the Canada Pension Plan, the Customs Act, the Excise Tax Act, the Modernization of Benefits and Obligations Act and another Act related to the Excise Tax Act	01/05/15	01/05/30	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	17/01
C-23	An Act to amend the Competition Act and the Competition Tribunal Act	01/12/11	02/02/05	Banking, Trade and Commerce	02/05/02	1			
C-24	An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts	01/06/14	01/09/26	Legal and Constitutional Affairs	01/12/04	0 + 1 at 3rd	01/12/05	01/12/18	32/01
C-25	An Act to amend the Farm Credit Corporation Act and to make consequential amendments to other Acts	01/06/12	01/06/12	Agriculture and Forestry	01/06/13	0	01/06/14	01/06/14	22/01
C-26	An Act to amend the Customs Act, the Customs Tariff, the Excise Act, the Excise Tax Act and the Income Tax Act in respect of tobacco	01/05/15	01/05/17	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	16/01
C-27	An Act respecting the long-term management of nuclear fuel waste	02/03/05	02/03/20	Energy, Environment and Natural Resources					
C-28	An Act to amend the Parliament of Canada Act, the Members of Parliament Retiring Allowances Act and the Salaries Act	01/06/11	01/06/12	—	—	—	01/06/13	01/06/14	20/01
C-29	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/06/13	01/06/14	—	—	—	01/06/14	01/06/14	24/01

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-30	An Act to establish a body that provides administrative services to the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court and the Tax Court of Canada, to amend the Federal Court Act, the Tax Court of Canada Act and the Judges Act, and to make related and consequential amendments to other Acts	02/03/05	02/03/12	Legal and Constitutional Affairs	02/03/21	0	02/03/27	02/03/27	8/02
C-31	An Act to amend the Export Development Act and to make consequential amendments to other Acts	01/10/30	01/11/20	Banking, Trade and Commerce	01/11/27	0	01/12/06	01/12/18	33/01
C-32	An Act to implement the Free Trade Agreement between the Government of Canada and the Government of the Republic of Costa Rica	01/10/30	01/11/07	Foreign Affairs	01/11/21	0	01/11/22	01/12/18	28/01
C-33	An Act respecting the water resources of Nunavut and the Nunavut Surface Rights Tribunal and to make consequential amendments to other Acts	01/11/06 (withdrawn 01/11/21) 01/11/22 (reintroduc ed)	01/11/27	Energy, the Environment and Natural Resources	02/03/21	1	02/03/26	02/04/30	10/02
C-34	An Act to establish the Transportation Appeal Tribunal of Canada and to make consequential amendments to other Acts	01/10/30	01/11/06	Transport and Communications	01/11/27	0	01/11/28	01/12/18	29/01
C-35	An Act to amend the Foreign Missions and International Organizations Act	01/12/05	01/12/14	Foreign Affairs	02/03/13	0	02/04/25	02/04/30	12/02
C-36	An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism	01/11/29	01/11/29	Special Committee on Bill C-36	01/12/10	0	01/12/18	01/12/18	41/01
C-37	An Act to facilitate the implementation of those provisions of first nations' claim settlements in the Provinces of Alberta and Saskatchewan that relate to the creation of reserves or the addition of land to existing reserves, and to make related amendments to the Manitoba Claim Settlements Implementation Act and the Saskatchewan Treaty Land Entitlement Act	01/12/04	01/12/17	Aboriginal Peoples	02/02/19	0	02/02/20	02/03/21	3/02
C-38	An Act to amend the Air Canada Public Participation Act	01/11/20	01/11/28	Transport and Communications	01/12/06	0	01/12/11	01/12/18	35/01
C-39	An Act to replace the Yukon Act in order to modernize it and to implement certain provisions of the Yukon Northern Affairs Program Devolution Transfer Agreement, and to repeal and make amendments to other Acts	01/12/04	01/12/12	Energy, the Environment and Natural Resources	02/03/07	0	02/03/27	02/03/27	7/02
C-40	An Act to correct certain anomalies, inconsistencies and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal certain provisions that have expired, lapsed, or otherwise ceased to have effect	01/11/06	01/11/20	Legal and Constitutional Affairs	01/12/06	0	01/12/10	01/12/18	34/01

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-41	An Act to amend the Canadian Commercial Corporation Act	01/12/06	01/12/14	Banking, Trade and Commerce	02/02/07	0	02/02/21	02/03/21	4/02
C-43	An Act to amend certain Acts and instruments and to repeal the Fisheries Prices Support Act	02/04/16	02/04/25	Legal and Constitutional Affairs					
C-44	An Act to amend the Aeronautics Act	01/12/06	01/12/10	Transport and Communications	01/12/13	0	01/12/14	01/12/18	38/01
C-45	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/12/05	01/12/17	—	—	—	01/12/18	01/12/18	39/01
C-46	An Act to amend the Criminal Code (alcohol ignition interlock device programs)	01/12/10	01/12/12	Committee of the Whole	01/12/12	0	01/12/13	01/12/18	37/01
C-49	An Act to implement certain provisions of the budget tabled in Parliament on December 10, 2001	02/03/19	02/03/20	National Finance	02/03/25	0	02/03/27	02/03/27	9/02
C-50	An Act to amend certain Acts as a result of the accession of the People's Republic of China to the Agreement Establishing the World Trade Organization	02/04/30							
C-51	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	02/03/20	02/03/25	--	--	--	02/03/26	02/03/27	5/02
C-52	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003	02/03/20	02/03/26	--	--	--	02/03/27	02/03/27	6/02

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-441	An Act to change the names of certain electoral districts	02/04/23							

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	01/01/31	01/01/31	National Finance	01/03/28	5	referred back to Committee 01/10/23		
S-7	An Act to amend the Broadcasting Act (Sen. Finestone, P.C.)	01/01/31	01/02/07	Transport and Communications	01/06/05	0	01/06/07		
S-8	An Act to maintain the principles relating to the role of the Senate as established by the Constitution of Canada (Sen. Joyal, P.C.)	01/01/31	01/05/09	Rules, Procedures and the Rights of Parliament					
S-9	An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools)	01/01/31							

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-10	An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate) (Sen. Grafstein)	01/01/31	01/02/08	—	—	—	01/02/08 Senate agreed to Commons amendment 01/12/12	01/12/18	36/01
S-12	An Act to amend the Statistics Act and the National Archives of Canada Act (census records) (Sen. Milne)	01/02/07	01/03/27	Social Affairs, Science and Technology	01/12/14	0	referred back to Committee 02/03/25		
S-13	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	01/02/07	01/05/02	Rules, Procedures and the Rights of Parliament (Committee discharged from consideration—Bill withdrawn 01/10/02)					
S-14	An Act respecting Sir John A. Macdonald Day and Sir Wilfrid Laurier Day (Sen. Lynch-Staunton)	01/02/07	01/02/20	Social Affairs, Science and Technology	01/04/26	0	01/05/01	02/03/21	2/02
S-15	An Act to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada (Sen. Kenny)	01/02/07	01/03/01	Energy, the Environment and Natural Resources	01/05/10	0	01/05/15	<i>Bill withdrawn pursuant to Commons Speaker's Ruling</i> 01/06/12	
S-18	An Act to Amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	01/02/20	01/04/24	Social Affairs, Science and Technology (withdrawn 01/05/10)	01/11/27	0			
S-19	An Act to amend the Canada Transportation Act (Sen. Kirby)	01/02/21	01/05/17	Transport and Communications					
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	01/03/12							
S-21	An Act to guarantee the human right to privacy (Sen. Finestone, P.C.)	01/03/13	Dropped from Order Paper pursuant to Rule 27(3) 02/04/16	(Subject-matter 01/04/26 Social Affairs, Science and Technology)	(01/12/14)				
S-22	An Act to provide for the recognition of the Canadian horse as the national horse of Canada (Sen. Murray, P.C.)	01/03/21	01/06/11	Agriculture and Forestry	01/10/31	4	01/11/08	02/04/30	11/02

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
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S-29	An Act to amend the Broadcasting Act (review of decisions) (Sen. Gauthier)	01/06/11	01/10/31	Transport and Communications					
S-30	An Act to amend the Canada Corporations Act (corporations sole) (Sen. Atkins)	01/06/12	01/11/08	Banking, Trade and Commerce					
S-32	An Act to amend the Official Languages Act (fostering of English and French) (Sen. Gauthier)	01/09/19	01/11/20	Legal and Constitutional Affairs					
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S-36	An Act respecting Canadian citizenship (Sen. Kinsella)	01/12/04		(Subject-matter 02/04/16 Social Affairs, Science and Technology)					
S-37	An Act respecting a National Acadian Day (Sen. Comeau)	01/12/13	02/03/27	Social Affairs, Science and Technology					
S-38	An Act declaring the Crown's recognition of self-government for the First Nations of Canada (Sen. St. Germain, P.C.)	02/02/06							
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S-42	An Act to amend the Canada Post Corporation Act (householder mailings) (Sen. Taylor)	02/03/26							
S-43	An Act to protect heritage lighthouses (Sen. Forrestall)	02/05/02							

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S-27	An Act to authorize The Imperial Life Assurance Company of Canada to apply to be continued as a company under the laws of the Province of Quebec (Sen. Joyal, P.C.)	01/05/17	01/05/29	Legal and Constitutional Affairs	01/05/31	0	01/05/31	01/06/14	43/01
S-28	An Act to authorize Certas Direct Insurance Company to apply to be continued as a company under the laws of the Province of Quebec (Sen. Joyal, P.C.)	01/05/17	01/05/29	Legal and Constitutional Affairs	01/05/31	0	01/05/31	01/06/14	44/01

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(HANSARD)

Tuesday, May 7, 2002

THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Tuesday, May 7, 2002

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

NATIONAL HOSPICE PALLIATIVE CARE WEEK

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, May 5 to 12 is National Hospice Palliative Care Week. This week provides us with an opportunity to give praise to the individuals who work tirelessly to promote and deliver palliative care in Canada.

Tremendous progress has been made on the palliative care file since I rose to mark this occasion a year ago today. I was able to provide honourable senators with the details on this progress, as well as the Government of Canada's commitment to palliative care, during my speech to the inquiry initiated by the Honourable Senator Cordy. Today, I think it is important to draw the attention of honourable senators to some of the achievements of ordinary Canadians, the achievements that I have become aware of during my travels across Canada.

"What Do I Do Now? A Resource Guide for Persons Who Have Experienced the Death of a Loved One," is a community publication, authored by Lynn Yetman and sponsored by the Colchester Bereaved Support Group. This pamphlet provides those who have experienced the loss of a family member with assistance on coping with practical matters after a death has occurred. Matters such as funeral arrangements, estate settlements, bill paying and insurance are covered.

John Tomczak, a gentleman who lost his wife in the late 1980s, started a walking group program to help raise awareness for Victoria Hospice and to provide bereaved individuals an opportunity to share their experiences and offer friendship and assistance. This week will be the fifth anniversary of the Awareness Walk for Victoria Hospice, and I wish all this year's walkers much success.

Both formal and informal caregivers are another crucial component of palliative care. Strengthening the support offered to family caregivers involves ensuring that they are aware of and able to access the services available locally, from respite care to counselling. It involves helping them access appropriate educational materials. It also means ensuring that medical professionals are sensitized to their needs. The Family Caregivers Association of Nova Scotia does all of this and more.

Cheryl Moore, a primary nurse working in cancer care in Brantford, Ontario, designed and published a personal care journal. This journal provides space for appointments, personal details, doctor information and, of course, lots of room to write down thoughts and feelings.

There are many more stories to tell, all of them of people who work tirelessly without accolades, day in and day out, to ensure quality end-of-life care for Canadians. Their constant energy and dedication is what drives hospice palliative care. It is the reason we are moving forward on this issue in Canada.

Honourable senators, it is these individuals to whom I wish to pay tribute this afternoon.

THE HONOURABLE FRANCIS WILLIAM MAHOVLICH

CONGRATULATIONS ON RECEIVING
HONORARY DOCTOR OF LAWS DEGREE FROM
ST. FRANCIS XAVIER UNIVERSITY

Hon. B. Alasdair Graham: Honourable senators, there is a new doctor in the house.

The Canadian legend of six Stanley Cups, nine National Hockey League all-star teams, and the Canadian Sports Hall of Fame, the Honourable (Frank) Francis W. Mahovlich became Dr. Mahovlich when he was awarded an honorary Doctor of Laws degree at spring convocation exercises at St. Francis Xavier University in Antigonish, Nova Scotia, over the weekend.

I am sure I will be forgiven for just a bit of partisanship when I suggest that this legendary hockey icon came to the home of champions to achieve this very special recognition.

The "Big M" is now the "Big X."

It was fitting that Dr. Mahovlich received his doctoral degree at the first graduation exercises in the new Charles Keating Millennium Centre which, among many other things, is the new home of the St. FX men's and women's varsity hockey teams.

• (1410)

The presence of our newly minted doctor caused quite a stir both on the St. FX campus and in surrounding communities. Generations were linked together. Students and senior citizens crowded Senator Mahovlich wherever he went, either for an autograph, a picture or just a kind word. There were even occasional traffic jams on the stage as the chancellor, Bishop Colin Campbell, and the president, Dr. Sean Riley, conferred degrees and graduates paused to shake Frank's hand, get an autograph, or to pose for the camera lens of a proud parent.

As I said when I introduced Senator Mahovlich to this chamber on June 15, 1998, if there ever was an inspirational and visible ambassador for the game of hockey and a model for our youth, it has been the great left-winger Frank Mahovlich, a man of power and grace and trademark skating style, whose blades flashed brilliantly — a hockey legend who has learned all there is to learn about endurance and courage, and about humility being part of the elation that comes with winning.

I do not know of anyone who has given as much time to Canadian youth as the "Big M." When one watches him at work with them, as I was able to do this past weekend, one sees the magic of a presence that gives not only tremendous motivation, but belief and hope and confidence as well, along with all the values, class and nobility that are part of the persona of one of Canada's finest gentlemen emissaries of the sport of hockey.

Senator Mahovlich, you are indeed a symbol of national pride and courage in the pursuit of excellence.

Of particular significance, honourable senators, was the mention by President Riley in his citation of the numerous charitable organizations and events to which Senator Mahovlich has devoted so much of his time and talent since his retirement from the National Hockey League in 1978.

In his address, our colleague gave timely advice to his student classmates. He was a model of excellence for the graduating class of 2002 and a great credit to this institution.

Congratulations, Senator Mahovlich — Dr. Mahovlich.

MENTAL HEALTH WEEK

Hon. Yves Morin: Honourable senators, May 6 to 12 is Mental Health Week.

[Translation]

Five of the top ten causes of disability in the world are related to mental illness: major depression, schizophrenia, bipolar disorder, alcoholism and obsessive-compulsive disorder.

[English]

During Mental Health Week, the Canadian Mental Health Association is inviting Canadians to share the message of hope through stories of resiliency and recovery. The theme "Emerging into Light, Sharing our Stories" focuses on increasing the visibility of mental illness to reduce stigma and promote dialogue and understanding.

About one out of every five Canadians will suffer from mental illness at some point in their lives. At least 1 per cent of the population is likely to have a serious and persistent mental illness, such as schizophrenia, at any given time.

[Translation]

Under the skilled leadership of its scientific director, Dr. Rémi Quirion, the Institute of Neurosciences, Mental Health and Addiction, one of the Canadian Institutes of Health Research, encourages mental health research.

For example, thanks to CIHR funding, Dr. Michel Maziade of Laval University, in Quebec City, is studying the genetics of complex psychiatric disorders such as schizophrenia and bipolar disorder. This research will contribute to the development of effective treatments.

[English]

Beginning in mid-May, 30,000 Canadians will participate in the Canadian Community Health Survey on Mental Health and Well-being, developed by Statistics Canada, to determine prevalence rates of selected mental disorders. The results, available in 2003, will inform and guide our understanding of mental health issues.

Honourable senators, Mental Health Week brings to light stories of courage and kindness. Let us respect the courage required to cope with mental illness, accepting the differences while staying focused on the similarities amongst all.

[Translation]

PRESIDENTIAL ELECTION IN FRANCE

Hon. Lise Bacon: Honourable senators, last week, in France, I had the privilege of witnessing a historic moment in French democracy, along with Senators Maheu and Beaudoin, and two members of the House of Commons.

This visit, which was organized through the Canada-France Interparliamentary Association, with the attentive and effective cooperation of our embassy, had been scheduled for a long time, but the circumstances that you are all familiar with gave it a special dimension.

Honourable senators, France is not out of the woods. The unequivocal victory of Jacques Chirac over his opponent Jean-Marie Le Pen in the second ballot of the presidential election did not solve anything, and France is entering a period of strong turbulence.

During our stay, we had many meetings, both in Paris and outside the French capital, with politicians representing the left and the right, but not extremists. We attended political meetings, including the last big meeting of Jacques Chirac, three days before the election.

We also met with business people. We attended a major public debate, a long-standing tradition in France, that included intellectuals, philosophers, politicians, opinion leaders and journalists. The debate took place at the Bataclan. It is a small Parisian theatre, but the event was a major one.

We met with experts on the French election system at the ministère de l'Intérieur, the home ministry, and with researchers interested in the extreme right-wing phenomenon in France. I will have the opportunity to provide you with all the details of our visit. For the time being, let me just say that the political debate we attended dealt with the very foundations of the French republic, namely democracy, liberty, equality and fraternity. Incidentally, we should not forget that France is the fourth world power.

The rise of the extreme-right wing movement has triggered a fundamental review of French institutions, and even of the Fifth Republic itself. The expectations of the French people are huge: security, integration of immigrants, youth unemployment, poverty, the complexity of the levels of power, Europe, the gap between politicians and the public, and so on.

After reaffirming the great values that make up their country, French politicians will have to rise above partisan bickering, including the experience of cohabitation, which has often undermined the state's ability to meet public needs.

This time, France cannot afford to make a mistake.

[English]

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Ms Karla Jessen Williamson, the first female Executive Director of the Arctic Institute of North America. She is the guest of Senator Watt. Welcome.

QUESTION PERIOD

INTERNATIONAL TRADE

RENEWAL OF SOFTWOOD LUMBER AGREEMENT

Hon. Gerry St. Germain: Honourable senators, my question is to the Leader of the Government in the Senate. It relates to softwood lumber.

In British Columbia, as we march closer to D-Day in regard to the tariff that has been imposed, the Liberal government has known since 1993 that this is an impending disaster waiting to happen. Knowing full well that softwood lumber was not properly covered under the Free Trade Agreement, why is it that the government went through the 1996 process and did not take any action to have softwood lumber declared a commodity to be freely traded?

• (1420)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I am puzzled by the honourable senator's question. Does he want a specific reference to every single commodity in the Free Trade Agreement or does he want us to enter into free trade agreements in good faith, using the best negotiators available and then using the dispute settlement mechanisms that are built in to those free trade agreements in order to settle problems that ensue?

Senator St. Germain: Honourable senators, we knew that this was a problem area. Yet, it has been virtually neglected. We are now marching towards disaster, when thousands of British Columbians will lose their jobs. It is not a question of whether you are NDP, Liberal, Conservative, Alliance or whatever. It is a question of communities being devastated. I sometimes wonder what would occur if this were happening in either Ontario or

Quebec. Approximately 50 per cent of the softwood lumber exported from this country comes from British Columbia. What is happening between now and disaster day? Could the minister inform all Canadians that are impacted? Alberta, Ontario and Quebec will experience a negative impact by this decision, but it will be more severely felt in British Columbia. Could the minister give an update as to where we are at the present time?

Senator Carstairs: Honourable senators, let us begin with the premise of Senator St. Germain's question as to whether B.C. is being treated differently. This is not just a British Columbia problem, as the honourable senator then went on to enunciate after he made the attack in the first instance. It is a problem in other provinces as well. It is a problem in Atlantic Canada, Quebec, Ontario and Alberta. Yes, it is a significant problem in British Columbia.

Honourable senators, it is a tragedy that the dispute settlement mechanism — and the honourable senator was a member of the other party that worked so hard to achieve it — did not work. If it worked, then we would have a genuine Free Trade Agreement and a genuine NAFTA agreement. However, it does not work. Therefore, we must use other mechanisms. We are using the mechanisms of the WTO and NAFTA because what we thought were good faith negotiations did not happen. They broke down, not because our side broke down but because the Americans broke down.

Senator St. Germain: Honourable senators, I do not want to be argumentative.

Senator Taylor: Parish the thought.

Senator St. Germain: Senator Taylor, if you had any respect at all, you would give up your seat to the elected senators of Alberta, so be quiet.

Some Hon. Senators: Oh, oh!

Senator St. Germain: I have had it. I have been listening for three years now to these attacks from Senator Taylor and I have had it. I hated to say that because I like Senator Taylor. He is a nice man.

Honourable senators, my supplementary question to the Leader of the Government in the Senate is this: Can the minister tell us if there will be a relief package of some form that does not jeopardize future trade relations with the United States? Will there be some relief not only for the people of Alberta, Ontario and Quebec who are affected by this situation, but especially the people of British Columbia who will have to bear the most severe impact?

Honourable senators, I differ with the minister in that I do not believe that the Atlantic provinces will be affected as negatively.

Senator Carstairs: The honourable senator can disagree all he wants. The reality, however, is that the people of Atlantic Canada involved in the lumber business will also be suffering as a result of the decision by the Americans not to settle.

[Senator Bacon]

Honourable senators, there have been discussions. However, as you pointed out so well in your question, one of the problems with providing relief programs is will they in turn lead to further countervailing and anti-dumping charges by those living south of the border, who, despite the fact that they keep losing these rulings over and over again, use the slightest instance to make further challenges.

Honourable senators, the governments are still working together. What has pleased me throughout this issue has been the work of all the provinces involved, in that they have worked collectively with the federal government. It would have been easy for any one of them to go off on a tangent or in a new direction but they hung tough together. Those negotiations and discussions remain ongoing.

Hon. Pat Carney: Honourable senators, my first question is to the Leader of the Government in the Senate. I attended the softwood summit called by our premier, which was also attended by Minister Dhaliwal and Minister Pettigrew and about 50 members of the British Columbia softwood community who have been severely impacted.

I heard the mayors and the industry explain how terribly impacted their communities were. I also read with disbelief the comments by Minister Pettigrew, who, although present, did not hear these arguments and subsequently told the media there had been no unemployment in British Columbia because of the softwood lumber issue.

Is there a specific cabinet committee dealing with this issue and drawing together the various funding cabinet ministries, the Minister of International Trade and the Minister of Natural Resources? Is there a working group of ministers dealing with issue, which, as the minister points out is national in scope, or is there a group in the PCO that is dealing with this issue? That information would be valuable for us to know.

Senator Carstairs: Honourable senators, I can tell the honourable senator that there is no formal cabinet committee working on this matter. However, I can tell her that a number of ministers have been working together, including the Minister of Human Resources Development, who also planned to be at the softwood summit but was called back to Ottawa on another matter.

There is a group of ministers working together and pooling their information and their staffs in order to come up with a package that will work to everyone's advantage.

Senator Carney: Honourable senators, I should like to know the name of this working group, because ministers working together must have a site or a committee or an infrastructure or some mechanism to work together. I would appreciate it if the leader could give me the name.

Second, for the record, as the minister responsible for the FTA, I found the honourable senator's remarks about dispute settlement confusing. Could you clarify them? The process was as follows: A softwood lumber agreement was to be dealt with in the FTA. The FTA set in place a formula for dealing with anti-dumping and countervail in seven years. That target was not met in the WTO. In NAFTA each country agreed to keep their anti-dumping and countervail laws and make changes in the WTO.

I found the honourable senator's comments about the dispute settlement mechanism failing in the context of those agreements puzzling. What is the minister proposing?

Senator Carstairs: As I indicated to the honourable senator, there is no formal working or cabinet committee. There is a group of ministers who are working together to bring their expertise to this matter.

In terms of the dispute settlement agreement, if the dispute settlement mechanism worked, we would not constantly have to prove to the Americans that we are not engaged in unfair practices. We have proved it over and over again. We no sooner prove it than yet another action is launched against us by the United States. Clearly, the rules that were set up do not work.

• (1430)

Senator Carney: Canada won this agreement in the WTO. The minister is quite right in pointing out that American law permits the Americans to bring these actions against us. I asked specifically what the honourable leader would suggest in its place.

Senator Carstairs: I was not a part of the negotiating team. I would like to reverse the question: What would the honourable senator suggest, since she negotiated it and it has not worked?

Senator Carney: I want to answer that question. When I negotiated, we put in an export border tax that allowed the provinces to change the stumpage arrangements. No mill closed and no one was out of work.

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Before proceeding to Orders of the Day, honourable senators, I draw your attention to the presence in the gallery of our former colleague, the Honourable Archie Johnstone. Welcome.

BUSINESS OF THE SENATE

Hon. Michael Kirby: Honourable senators, I seek leave to revert to Notices of Motions.

The Hon. the Speaker: Is leave granted?

Some Hon. Senators: Agreed.

Hon. John Lynch-Staunton (Leader of the Opposition): Leave is given at the end of Routine Proceedings.

The Hon. the Speaker: The suggestion has been made, Senator Kirby, that our practice is to request leave at the end of Routine Proceedings.

ORDERS OF THE DAY

CRIMINAL LAW AMENDMENT BILL, 2001

MESSAGE FROM COMMONS—
REFERRED TO COMMITTEE

On the Order:

Resuming debate on the motion of Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Robichaud, P.C.,

That the Senate do not insist on its amendment numbered 1(a) to Bill C-15A, to amend the Criminal Code and to amend other Acts to which the House of Commons has disagreed; and

That a message be sent to the House of Commons to acquaint that House accordingly.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise to speak to the motion of Senator Carstairs. It is important for the integrity of the Senate as a chamber of reflection, a chamber of legislative review, a chamber, as they say, of second sober thought, that we examine very carefully the nature of the disagreement existing between the House of Commons and the Senate on this matter, as indicated in that message now before us from the other place.

Honourable senators, I agree with the assessment of Senator Carstairs as to the debate on Bill C-15A as it unfolded in the House of Commons. An examination of the Hansard of the House of Commons clearly demonstrates the unfortunately poor level at which they debated this very important bill and the level of the atmosphere in which they were considering the Senate amendments. To quote from Senator Carstairs at page 2716 of the *Debates of the Senate*:

As we saw happen in the other place just a few days ago, such issues can easily degenerate. We could hear, "You like pornography," or, "You will support pornographers," ...

I believe that it is incumbent on all senators to look behind this decision of the House of Commons to reject Senate amendment 1(a) given the atmosphere in the House of Commons when they took that decision, a decision that was taken not in an atmosphere or environment of calm, reflective assessment but rather a decision coloured by name-calling and confusion. If ever there was a case to be made justifying the existence of the Senate, a chamber of calm reflection wherein decisions of the House of Commons are subjected to revision and review, the message before us today is such a case.

Honourable senators, we must not fail in our duty. I believe that Senator Carstairs is not only correct in her assessment of what happened in the other place but that she has raised a valid point concerning the difficulty that has been discovered with the precise wording of Senate amendment 1(a). We are told that the Department of Justice thinks the amendment, as presently worded, is not necessary because an Internet service provider — Yahoo!, for example — that has child pornography transmitted through its system, will not be found guilty of such transmission if it is unaware or has no knowledge of the transmission.

The argument being advanced is that the Crown would first have to prove *mens rea*. As Senator Carstairs said:

However, if service providers knowingly transmit child pornography, they should and would be found guilty.

I agree again with Senator Carstairs. In order to deal in a reflective manner, but expeditiously, I would suggest that we look at her words "knowingly transmit" to determine whether they would be appropriate in a re-crafting of our amendment 1(a). I think the doctrine of due diligence comes to play a role here. That, too, must also be part of our consideration.

The best way to handle this matter in an expeditious fashion and yet provide a reflective, calm assessment would be to refer the message to the Standing Senate Committee on Legal and Constitutional Affairs.

REFERRED TO COMMITTEE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Therefore, honourable senators, I move, seconded by the Honourable Senator Rossiter:

That the motion, together with the Message from the House of Commons on the same subject, dated April 23, 2002, be referred to the Standing Senate Committee on Legal and Constitutional Affairs for consideration and report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

• (1440)

[Translation]

COMPETITION ACT COMPETITION TRIBUNAL ACT

BILL TO AMEND—REPORT OF COMMITTEE—
ORDER STANDS

The Senate began consideration of the sixteenth report of the Standing Senate Committee on Banking, Trade and Commerce (Bill C-23, An Act to amend the Competition Act and the Competition Tribunal Act, with one amendment and observations), presented in the Senate on May 2, 2002.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, it was my distinct impression that the Chair of the Senate Committee on Banking, Trade and Commerce, who had presented this report in the Chamber last week, was going to give a short speech today to explain the work done by the committee. As you know, the committee's report, presented in the Senate on May 2, 2002, following consideration of Bill C-23, contained an amendment and observations. Usually, when a bill is reported with amendments, the Chair or his or her representative provides us with a brief explanation of the scope of the report.

Not having taken part in this committee's hearings, honourable senators, I would not try to explain the report to you myself. I do not wish to begin debate on the topic, but instead propose that we deal with this point later today or tomorrow.

[English]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, there has been no motion to deal with the matter.

The Hon. the Speaker: Honourable senators, that is true, it has not been moved. Does any honourable senator wish the matter to stand?

Some Hon. Senators: Stand.

Order Stands.

FOOD AND DRUGS ACT

BILL TO AMEND—THIRD READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Cook, for the third reading of Bill S-18, to amend the Food and Drugs Act (clean drinking water).—(*Honourable Senator Sibbeston*).

Hon. Nick G. Sibbeston: Honourable senators, I am pleased to contribute to the debate on Bill S-18 from the northern perspective. Water — good, pure, clear water — is critically important to the health of all people. The provision of potable water might be the single most important thing governments can do. It impacts on the health care systems, on the economy, on every aspect of community life. Recent events have demonstrated that we can never have enough safeguards when it comes to protecting our water supply. The situation in the North is no less severe than in other parts of Canada, and in many ways the provision of good water is even more challenging.

I believe it will come as some surprise to honourable senators that delivering clean water in the North is a problem. After all, the North is a land of ice and snow; surely, there can be no lack of water. Indeed, the northern territories, which comprise a third of Canada's land mass, have 18 per cent of its lakes and rivers. Counting water flowing north from the provinces, nearly a quarter of all Canada's groundwater flows through the territories. Great Bear Lake and Great Slave Lake are two of the largest fresh bodies of water in North America, and the Mackenzie River, at 4,000 kilometres long, is one of the largest rivers. Yet much of the North is a cold desert with a lot of the water permanently locked in ice or permafrost. Still one would think there must be plenty of

water for the rather small number of people who live there, and there is, even if it is often trapped beneath metres of ice during the cold winter months.

The challenge, of course, is getting the water from lakes and rivers into people's houses. There are very few water and sewer systems like you have in the South, and water delivered through underground pipes. These exist only in the larger towns and even then are often supplemented by other systems, such as above-ground utilidors or truck services.

In small communities, the most common system consists of a fill station at a lake, river or reservoir, where trucks take on water a few thousand litres at a time and deliver it to tanks in people's houses. Usually people have water tanks of 200 gallons or 300 gallons, and water is delivered a number of times a week as needed. Where reservoirs are used, as in Tuktoyaktuk, Pangnirtung or Fort Good Hope, the expense is enormous. The reservoirs have to be big enough to supply the community for a year, and deep enough so they do not freeze to the bottom in the winter. They have to be built in the short summer season with materials barged in from the South. Each year these reservoirs must be refilled from lakes and rivers, often from some distance away. In some communities there are simple water purification plants that filter and chlorinate water. In others, water treatment consists of dumping a cup of chemicals in the top of the tank after every fill.

Twenty years ago, when I was Minister of Local Government in the Northwest Territories Government, that cup might have been filled from a bottle labelled "Javex Bleach." Things are a bit more sophisticated now but the principle is the same. It is not always easy to maintain even those simple systems because there are limited resources to train people properly. Even a very small mistake can lead to big problems. In Jean Marie River, a small community south of where I live, Fort Simpson, the person responsible for filling the reservoir made a mistake in terms of the season in which he carried out this procedure. It was a mistake of only a week or two but the water supply became contaminated as a result, and this created quite a health problem for the community.

Even where more sophisticated systems are in place, problems can arise. Many years ago, an in-ground pipe delivery system was built in a High Arctic community. It promptly froze solid and has never been used to this day. More recently, in Cape Dorset in Nunavut, the heating system in the waterline that carried water from a lake to a large storage tank broke down. The line froze solid and split in numerous places. This occurred in the middle of winter with temperatures hovering near minus 40. A new system had to be flown in from Ottawa by Hercules aircraft and installed as quickly as possible. It is a credit to the engineers and other workers that they were able to do this before a more serious problem arose.

Fortunately the quality of water in the North has been generally good. There have been few boil-water advisories, and those mostly in the spring when you get heavy runoff and lots of sediment in the water. Testing by the water managers is done regularly in communities or at the station. Territorial or federal

officials conduct more complex tests once or twice a year. So far, so good, no serious outbreaks, such as those in Walkerton or North Battleford, have yet occurred, but the danger is certainly there.

Honourable senators, it is not enough to deliver safe water. It must also be drinkable water. As you can imagine, when you are simply dumping chemicals in a water truck, the result is not always very tasty. People do not always want to drink it when it contains these chemicals. They prefer to use an alternative. This can be snow water or ice water, which tastes better. When I am home, I prefer to make my tea from snow taken from the middle of a pristine field. In some communities, such as Colville Lake, there are installations of in-house filter systems and other innovative methods so that people can have safe clean water that also passes the "tea test."

Honourable senators, the territorial governments are doing what they can. For example, in the Northwest Territories, all of the funds originally allocated from the federal infrastructure program are being used this year to upgrade water and sewer systems. Some \$11 million will be spent over the next three years on water and a similar amount on sewer systems. This is in addition to the \$7 million or \$8 million spent each year by governments and consumers to operate existing systems. Similarly, in Nunavut, the government is reviewing all of the community water systems to make sure they are adequate and capable of delivering potable water.

Unlike in southern Canada, the federal government still plays a significant role in water management in the North. This is changing and will continue to change over time as these authorities are transferred to territorial and self-government institutions, but for now the federal government is still involved, through DIAND, in doing water studies and managing watershed issues. They also act as the enforcement agency for water licences issued by various water boards in claim settlement areas. However, because their focus is on the big picture, they sometimes do not recognize the impact of events on community water supplies and do not always let communities know when events occur that might affect them.

• (1450)

To conclude, the delivery of potable water in the North is a special challenge, and there are clearly gaps in the level of certainty. This bill will help close some of those gaps by providing a further means to monitor and control the purity of water. Water is a big issue — big enough that it requires all of us, as citizens and as governments, to be involved.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, Senator St. Germain informed me that he wished to speak to this bill. I therefore move that debate be adjourned in his name until the next sitting of the Senate.

[Senator Sibbeston]

On motion of Senator Robichaud, for Senator St. Germain, debate adjourned.

[English]

FEDERAL NOMINATIONS BILL

SECOND READING—SPEAKER'S RULING— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Stratton, seconded by the Honourable Senator Cohen, for the second reading of Bill S-20, to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions.—(*Honourable Senator Tkachuk*). (*Speaker's Ruling*).

The Hon. the Speaker: Honourable senators, I am now ready to give my ruling on this item under our Senate public bills business heading. However, I do not wish to do so in the absence of the senator who raised the point of order, Senator Cools. I will wait until she is in the chamber.

Order stands.

[Translation]

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the order:

Resuming debate on the motion of the Honourable Senator Poy, seconded by the Honourable Senator Banks, for the second reading of Bill S-39, to amend the National Anthem Act to include all Canadians.—(*Honourable Senator Lapointe*).

Hon. Jean Lapointe: Honourable senators, I have spent many hours on the national anthem and its English version. I have discovered that the Honourable Stanley Weir protected his copyright by registering his text with Delmar Music Company in 1908. This creation could not therefore be altered thereafter by anyone without authorization by the author.

The action taken in 1968, on recommendation by the special joint committee of the Senate and House of Commons, is sacrilegious and a lack of respect toward the Honourable Mr. Weir. The situation has gone on long enough. Enough is enough! We have absolutely no right to lay a finger on our national anthem, even though certain individuals have, in their ignorance, dared to do so.

Unfortunately, we can do nothing about the past. To do such a thing today would be like touching up a Riopelle painting on the pretext that we dislike one of the colours.

I do, however, understand the reaction of other senators, but this was only a matter of interpretation. In my humble opinion, the expression "sons command" encompasses, in a poetic way, the men and the women of Canada. Let us stop taking ourselves for song-writers. If we want to be one, we need to apply for membership in SOCAN. I am, in fact, a card-carrying member myself, which is why I speak up when it comes to even the most minor alteration to an artistic creation.

If, honourable senators, we make even the most minor alteration to our national anthem, we are creating a precedent, which could lead to even more drastic changes, so that down the road we would end up with a national anthem that had no connection with the original. This would be a denial of our history, our past, its moments of glory and its moments of difficulty. It would be a denial of this rallying cry sung by our people on millions of occasions. Most of them have sung it in a spirit of patriotism toward and admiration for this country, which many from other countries consider "God's country."

[English]

Hon. Jim Tunney: Honourable senators, I have some brief comments in relation to Bill S-39.

For many years, we have changed our phraseology, our terminology and the way we express ourselves. I am convinced all of those changes were made in an effort to improve and to express our understanding of who we are.

I rise to support this bill in the manner proposed.

On motion of Senator Tunney, for Senator Jaffer, debate adjourned.

FEDERAL NOMINATIONS BILL

SECOND READING—SPEAKER'S RULING

On the Order:

Resuming debate on the motion of the Honourable Senator Stratton, seconded by the Honourable Senator Cohen, for the second reading of Bill S-20, to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions.—(Honourable Senator Tkachuk). (*Speaker's Ruling*).

The Hon. the Speaker: Since Senator Cools is now in the chamber, I will give my ruling on the matter she raised.

[Translation]

Honourable senators, last Thursday, May 2, Senator Cools raised a point of order in connection with second reading of Bill S-20, a bill designed to increase transparency and objectivity in the process of appointment to certain public offices.

[English]

The point of order raised doubts about the propriety of proceeding with second reading given that Royal Consent had not yet been signified for this private member's bill, even though a ruling has already been made that Royal Consent will be needed before Bill S-20 can become law.

According to Senator Cools, the only way Senator Stratton, the sponsor of the bill, can obtain Royal Consent is through a motion for an address to the Governor General. Several other senators intervened in the discussion on this matter before I closed proceedings, and I stated that I would review the *Debates of the Senate*, as well as earlier decisions on Royal Consent.

As honourable senators are aware, I have already ruled on whether Bill S-20 requires Royal Consent. Last autumn, on October 25, 2001, in response to a point of order raised by Senator Joyal on June 5, I ruled that Bill S-20 required Royal Consent, since it affected the royal prerogative of appointment.

At the time, I noted the fact that in Canadian practice, as distinct from the procedure followed by the Parliament of the United Kingdom, there is no evidence that Royal Consent for a bill needs to be signified in both Houses. In fact, based on the precedents, it would seem that Royal Consent has been signified to most bills that required it in the House of Commons alone, not the Senate, and that, up to now at least, no case has been found where Royal Consent to a bill has been signified in both Houses. Based on this established practice that spans more than 130 years and motivated by a preference to allow debate on a bill, I ruled that the bill could proceed through the Senate.

Senator Cools is attempting to raise a concern that was not directly addressed in my original ruling on Bill S-20. The fundamental position of Senator Cools is that, because Bill S-20 is sponsored by a private member, and one from the opposition at that, the only way Royal Consent can be secured is through an address to the Governor General. Senator Cools cited two recognized Canadian parliamentary authorities, *Beauchesne's Parliamentary Rules & Forms*, and *Bourinot's Procedure and Practice in the Dominion of Canada*. The senator also made reference to two cases from the British Parliament, one dating back to 1868 involving William Gladstone and another from 1911 involving Lord Lansdowne.

[Translation]

While I do not dispute the accuracy of the senator's references and examples, I do question their binding relevance to modern practice. All senators can appreciate that the law of Parliament is not static; it changes and evolves to suit the needs of Parliament and its members.

• (1500)

[English]

As an example of change, one that is not entirely irrelevant to the point of order we are dealing with now, I would note that in the other place it is now possible for private members to bring in bills that involve an expenditure of money. This new development, which was introduced about 10 years ago, allows private members greater scope in preparing bills that are of particular concern to them.

Formerly, this practice would not have been possible. Any bill that involved an expenditure required a Royal Recommendation that can only be obtained by a minister. This requirement no longer impedes a private member from introducing a "money" bill, but the government must be willing to provide the Royal Recommendation before the bill receives third reading.

Similarly, in the United Kingdom, it has been possible for some time now for a parliamentarian to introduce a bill that requires Royal Consent without seeking an address. Normally, the sponsor will communicate in writing to a secretary of state to inquire if the government would be prepared to seek Royal Consent for the bill. From what I can gather, the Royal Consent is usually forthcoming since it is not taken to be an endorsement of the bill by the government.

Whether Senator Stratton will avail himself of this British procedure will be for him to decide. For my part, as I indicated in my ruling of October 25, I do not think it is in the best interest of the Senate to curtail debate on an issue of undoubted importance. Consequently, it is my ruling that there is no valid point of order and debate on second reading of Bill S-20 can proceed.

COMPETITION ACT COMPETITION TRIBUNAL ACT

BILL TO AMEND—REPORT OF COMMITTEE— DEBATE ADJOURNED

Leave having been given to revert to Reports of Committees:

The Senate proceeded to consideration of the sixteenth report of the Standing Senate Committee on Banking, Trade and Commerce: (Bill C-23, to amend the Competition Act and the Competition Tribunal Act with one amendment and observations), presented in the Senate on May 2, 2002.

Hon. E. Leo Kolber: Honourable senators, I move the adoption of the report.

The Hon. the Speaker: It is moved by the Honourable Senator Kolber, seconded by the Honourable Senator Maheu, that this report be adopted now.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I will not speak to the report, but I will say that I am most distressed about the inconvenience that occurs when a senator cannot be here to present his or her item on the Order Paper at the time that the order is called. It is unfair for those senators who have been waiting for that order, which cannot be called because the senator is not present, to hear the order has been called with leave one hour or two hours later than expected. There may be senators interested in the particular item who have been waiting for it to be called and, when it is passed over, will learn tomorrow by reading the *Debates of the Senate* or the *Journals of the Senate* that the item has been discussed.

Honourable senators, I think we are being too lax, generous and unfair to colleagues by granting leave in such cases. I, for one, will be much more selective in granting leave, for that reason only.

The privileges and responsibilities of senators who may wish to discuss an item when it is called must be protected. We are being a little too generous in this instance.

Hon. David Tkachuk: Honourable senators, it is my understanding that if the house adopts the report, I will not be able to speak to it. Will the chairman of the committee speak to the report?

Senator Kolber: Honourable senators, this report calls for one government amendment, which has to do with a clerical error in the English wording of proposed section 106.1. Had we not corrected this mistake, it would have taken up to one year for it to be corrected by omnibus legislation. This would mean that the section would either not come into force until that time or would have been open to misinterpretation. What is the point of having a Senate committee if we cannot fix a clear mistake that the minister and the Commissioner of Competition admitted was a clerical error?

There is a letter in response from the minister responsible for Bill C-23. Appended to the report is a letter to the minister signed by the deputy chairman, Senator Tkachuk, and by me. The minister's response, which is also appended to the report, states that he will review the legislation in two years. There was a general agreement that some of the legislation should be a temporary measure. The minister will review and report back to see how it has worked out. At that time, if the committee is not satisfied, then it will take appropriate action. In addition, there are observations by the Conservative senators on a variety of items in the bill.

Honourable senators, I must point out that the most difficult section in the bill that we looked at was clause 13.1. We felt that the power of judge and jury to be given to the commissioner would be inappropriate. That power would be given under the overall Competition Act, which was Bill C-26. We were dealing with Bill C-23, which contains amendments. In fact, so that we could conclude the matter, we consulted many people to try to understand all the implications before us and the powers that we had to deal with it. I was persuaded, as were some members of the committee, that there was nothing much we could do to amend Bill C-26 because it was not before us. However, we did have amendments to Bill C-26 before us. As such, we did not feel that we had the power to do, if we wanted to, anything about some of the items in the original Competition Act that may have been causing concern.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I want to ask the Chairman of the Standing Senate Committee on Banking, Trade and Commerce a question about the copy of the sixteenth report that is now before us, dated May 2, 2002. The substantive amendment in the report refers to page 37 of the bill, clause 14. I have page 37 of the bill open and there is no clause 14. Obviously, that is an error. Does the honourable senator intend to move an amendment to the committee report that, on a *prima facie* basis, contains an error?

Senator Kolber: The honourable senator has caught me completely unawares. I am unable to answer that question, but I will certainly look into it.

• (1510)

Senator Kinsella: Honourable senators, the sixteenth report that is before us, under the signature of the chairman, Senator Kolber, states on the eighth and ninth lines of a thirteen-line report:

“Page 37, clause 14: Replace in the English version line 25 with the following.”

If one turns to page 37 of the bill, there is no clause 14. That is a serious error.

[Translation]

And in the French version, it reads:

a) avec la modification suivante:

Page 37, article 14:

It is the same in the French version; there is no clause 14 on page 37. I have a copy of the bill and of the report. There is an error in the report because I consider the copy of the bill to be authentic.

How does the committee chair wish to correct this error? Does he intend to send it back to the committee for the correction to be made there? Does he intend to amend the report?

[English]

Senator Kolber: If honourable senators will give me five minutes, I will provide an answer.

Hon. Marcel Prud'homme: Honourable senators, could we not suspend this matter until the great minds of the members of the Banking Committee are able to respond to this concern? We could come back to this item tomorrow.

I am in the same position as Senator Lynch-Staunton. I wish to speak to other items. If we consent to suspend this deliberation until tomorrow, I am sure the honourable senator would receive the unanimous consent of the Senate for such a motion.

Senator Kolber: Clause 14 starts on page 36 of the bill and continues to page 37. There is no error.

Senator Prud'homme: I propose that we suspend.

The Hon. the Speaker: To clarify, we are under the first item of Reports of Committees. Questions have been put to Senator Kolber in response to his speech. We have come to a pause. If there are no more questions to Senator Kolber, we should decide what to do, either put the question or adjourn the debate.

Senator Tkachuk, do you wish to adjourn the debate?

Senator Tkachuk: Is there a suspension? Senator Prud'homme asked for a suspension. What does that mean?

Senator Prud'homme: I said “until tomorrow” when everything will be clear.

The Hon. the Speaker: Suspension is not something known to honourable senators. However, moving the adjournment of the debate is a normal practice.

Senator Tkachuk, do you wish to move adjournment of the debate?

Senator Tkachuk: I believe Senator Prud'homme wishes to adjourn the debate.

Senator Prud'homme: I wish to adjourn this item, seconded by Senator Tkachuk.

The Hon. the Speaker: Before we put the motion and leave Senator's Kolber's speech, there are other senators rising, perhaps on questions.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I thought I heard Senator Tkachuk move that the debate be adjourned. This adjournment would accomplish exactly what Senator Prud'homme wants, which is to give Senator Kolber a little time. Senator Kolber could give us appropriate answers tomorrow.

[English]

Senator Lynch-Staunton: Honourable senators, I wish to thank Senator Kolber for eliminating the confusion. However, the honourable senator must admit that if one reads the report, the clause is identified at page 37, when in effect it begins on page 36.

There was a misunderstanding on our part as to what the honourable senator was referring to and I thank him for the clarification. I hope that the next time a similar report will be more precise. It is difficult enough to read these things, especially for those honourable senators who were not a member of the committee.

I thank Senator Kolber for the clarification and we accept the report as presently written.

Senator Prud'homme: Honourable senators, either we proceed or we do not. Senator Robichaud said that he heard Senator Tkachuk make a motion to adjourn. Every discussion following has not been according to the rules. A motion was made to adjourn. Once we dispose of that we may then return to Senator Lynch-Staunton.

As far as I am concerned, there is a motion to adjourn until tomorrow on this issue. We must dispose of that first.

The Hon. the Speaker: Honourable senators, the elements that take us beyond Senator Kolber's speech are a motion and putting the question. We had a motion, but the question was not put. We continued under Senator Kolber's time and there were other questions and comments.

We have come to the question stage again. Two honourable senators expressed an interest in adjourning the debate. The Speaker will see whom the Speaker wishes to see. I believe that the first to indicate a desire to adjourn was Senator Tkachuk. However, I will take the Chair and look for the first senator to rise.

On motion of Senator Tkachuk, debate adjourned.

HUMAN RIGHTS

BUDGET AND REQUEST FOR AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON CANADA'S ADHERENCE TO INTERNATIONAL HUMAN RIGHTS INSTRUMENTS— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Human Rights (budget 2002-2003), presented in the Senate on May 2, 2002.—(*Honourable Senator Andreychuk*).

Hon. A. Raynell Andreychuk, moved the adoption of the report.

She said: Honourable senators, I am anticipating some of the questions that have been put to committee members and I am sure I will not be spared.

The Human Rights Committee began its work last year. We wanted to establish a track record before we looked at more specific studies. We chose to look at all of the human rights machinery and came to the conclusion in our first report that there were seven areas deserving further study. That is the overview of the human rights machinery to which Canada is, should or could be subject. In developing our report we did not travel. After hearing many witnesses in Ottawa, some by videoconference we filed our first report.

The members of the Human Rights Committee prepared what we believe to be a comprehensive plan of action and study for the committee. This study would see the committee complete six of the seven areas within one year. For committee costs, we estimated a total of \$638,550. We were mindful that it would be difficult for the subcommittee on budgets to approve all the budget requests and decided that this may not be the best way to approach our study. We therefore decided to conduct our study over two years, in two parts, rather than asking for that amount of money in one year. Consequently, we requested a budget of \$266,000, of which we received \$80,000, that being a 70 per cent reduction.

• (1520)

Committee members were disconcerted that it was not taken into account that we had not expended funds on any studies the previous year. We had advised the Senate that we would be proceeding in this way in order to establish a track record before asking for monies, giving the Senate a basis upon which to judge whether we used resources effectively and being mindful of the collegiality that is necessary in apportioning monies.

The reduction to \$80,000 means that we will be able to do little of our proposed work. I believe that the funds that have been granted are for the first phase of our study and we will continue to work with that.

When I appeared before the subcommittee, I was not asked questions about our budget, but rather about how the Senate should deal with so many requests with a limited budget. I responded that, as long as all committees were treated fairly over a broad period of time, our committee would abide by whatever rules were in place. However, it is difficult to determine what rules were followed, as every committee received a different proportion of the monies requested. We are left to guess at what overall formula was used.

One wonders whether the same rules will apply next year. We chose to do some work outside the country because of the nature of our study. We are studying a very technical field and, rather than embarking on only a fact-finding mission to assess institutions outside of Canada, it would have been useful to travel with a fuller complement of senators in order to educate those senators who do not have a background in international human rights legislation. This is not the kind of information that is easily assembled. We had planned to do our external travel in the first year in order to bring senators up to speed and assess the machinery before doing further studies. Obviously, the route we chose put us at a disadvantage in the budget process. Consequently, we will have to go back to the drawing board.

We hope to finish the first part of our study with the funds that were allocated, but in September we will have to do a total reassessment, as our original study plan is not feasible under this budget. We will have to revisit our areas of study, and that may not be fair to some senators.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, the reduction of 70 per cent to Senator Andreychuk's request is the second highest we have heard of so far. However, I understand that she wants to carry on with her study. Has she been given any assurance, directly or indirectly, officially or unofficially, that in the fall the balance of the funds requested will be made available through Supplementary Estimates?

Senator Andreychuk: Honourable senators, I have been given no assurances with respect to that. With the \$80,000, we are proceeding to do that part of the study that we had put in, in the first place, that is, reviewing the Inter-American Convention. We hope that, with the \$80,000, we can complete that portion of our study, which is one of six parts of the study. We have no assurances regarding funding for the five other parts of our study. Of course, we will not embark on those other areas of study without the resources to do so.

Senator Lynch-Staunton: Honourable senators, the committee has a term of reference that it has apportioned into six parts. Therefore, the committee has a commitment from the chamber to support the study. However, the committee has now been told that, despite the commitment made here, which I think was unanimous, the funds required to complete that study are not available.

This demonstrates a fault in our system in allocating funds after the fact. The committee gets full support from the chamber for its terms of reference. In order to carry them out, the committee must go the subcommittee of the Internal Economy Committee, only to learn that the funds are not available.

I again request that we reverse the process. When a committee requests a mandate for a special study, it should present its proposed budget so that both issues can be discussed at the same time, thereby saving senators embarrassment. Senator Andreychuk, Senator Comeau, Senator Taylor and others received the approval of the Senate to carry on with their committee activities, yet, once they determined the cost of their studies, they learned that the monies needed were not available. I believe that that is an error in our procedure. Why do we not reverse the procedure and study both the mandate and the budget at the same time and decide both questions at the same time?

The Committee on Human Rights is only the latest example of a committee that will be unable to complete a study that the Senate has approved.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, we tried to implement the suggestion made to us by the Honourable Leader of the Opposition regarding committees that obtain an order of reference from this House to then present a budget to the Standing Committee on Internal Economy, Budgets and Administration, which does not have the necessary funds to support all the initiatives these committees wish to undertake.

Honourable senators, you will remember that, on a number of occasions, I asked for the adjournment of a debate when there was an order of reference, to receive the information that would confirm the needs of the committees. However, it was brought to my attention that I was trying to reverse the process. Committees must first obtain an order of reference and then present a budget to the Internal Economy Committee.

I agree with what Senator Lynch-Staunton said. It is time to reassess our way of doing things. Perhaps we could review our rules to see how to implement the proposal made by the Leader of the Opposition.

• (1530)

Hon. Roch Bolduc: Honourable senators, I was a member of the Standing Senate Committee on Internal Economy, Budgets and Administration in 1988, 1989 and 1990. If memory serves me well, the internal procedure that we used is basically the same as that used by the government. It is not complicated. In other words, a date is set and all the submissions arrive at the same time. When we have all of the requests in front of us, including the terms of references, it is easier to decide on the committee's priorities. I would go even further: should the leaders not agree on the priorities for Senate committee studies?

Committee studies have to do with policy development, whereas legislative studies come under the traditional role of the assembly, which studies bills one at a time, as they are introduced. When the time comes for the budget, the internal workings of the government are such that the Treasury Board writes to everyone to let them know that it wants to receive the submissions by a certain date. Starting at that time, it analyses all of the submissions. The parameters established by the Department of Finance set out the amounts for spending, debt and taxes.

This amount of \$173 billion for statutory and non-statutory programs is divided among 20 departments, where a needs assessment is carried out. This year, the Department of National Defence received more funding because of terrorism. What is the point of these internal workings where you have, on the one hand, the Minister of National Defence who needs funds, and on the other, the Treasury Board that tells him that it has limited amounts? Should the Senate not use the same process?

I call on the experience of the chair of the Standing Senate Committee on Internal Economy, Budgets and Administration. We should see all of the requests before deciding. What message are we sending by acting in this way? This year, we are being told that the Standing Senate Committee on National Security and Defence is more important than the Standing Senate Committee on Human Rights. I do not know which of the two committees has priority requests. I am trying to see the criteria that will be applied by the chair and the members of the committee when they do their analysis.

In my experience, we analysed all the requests, as well as the arguments of each of the committee chairs. There was a certain rationality. Otherwise, there is no logic to the distribution of funds. In the end, the last come are the least well served. This is not fair. Senator Lynch-Staunton put the problem very well. And Senator Andreychuk explained the impact to us very clearly. There should be a way to improve the system. Otherwise, decisions are based on a value system and rules of which we have no knowledge.

[English]

Hon. Richard H. Kroft: Honourable senators, I welcome the opportunity to make a few remarks in this debate. It is one in which I have participated and one to which I have listened in this house since I arrived here, in particular since I became the Chairman of the Subcommittee on Budgets. It is a perplexing one.

I would like to comment briefly on the remarks of Senators Bolduc and Lynch-Staunton. The problem with a priority-setting exercise, if we wish to use the analogy from the government standpoint, is that the Standing Senate Committee on Internal Economy, Budgets and Administration is not the government. It is not a priority-setting mechanism; it does not have that power. The government has the ultimate responsibility for the allocation of funds. It can set priorities in execution of that responsibility.

The dilemma in the situation that the Leader of the Opposition has raised is that, if one follows that line of thinking through logically, and I have attempted it — in fact, I have drafted an internal memo asking for comment — this chamber is giving to the Internal Economy Committee the task of saying, “If this committee wants to do that study, and that committee wants to do that study, then we will allocate the budgets.” I share the concern of the Leader of the Opposition in this regard. In fact, I have spoken to it before in this house.

According to the Leader of the Opposition, the committee would then come forward with a request for the order of reference as well as for a budget. If the Internal Economy Committee had chosen not to give them a budget, or if it was an inadequate budget, then it would be depriving the chamber of the opportunity to grant that order of reference.

It is a reversal. If honourable senators think it through, they will see that it is in fact a delegation by this chamber to the Internal Economy Committee that I do not think is appropriate.

[Translation]

Senator Bolduc: I propose some sort of agreement between the leaders on the priorities to be given to the consideration of policy development. The rule for policy development is not the same as for legislation. In any event, this agreement should cover the framework of the mandates and funds required. This is reasonable. There is no advantage or disadvantage, from a partisan point of view, that would prevent this approach. It would be a big improvement in the consideration of policy development, one of the important roles of the Senate. It is not just a question of investigating contentious situations. It is more than that. We are trying to fine-tune the procedure in order to improve government policies in a number of areas. It is possible in foreign policy. We have seen this in connection with defence and other areas. It would be in the interest of all senators if their leaders were to co-operate in this regard.

[English]

Hon. Jim Tunney: Honourable senators, I am most interested in this debate. I have come recently to know the problems our committees face in terms of funding for the many projects.

I am committed to human rights; I always have been. The situation with the committee to which I am committed and the budget it presented bothers me. The Internal Economy Committee judged the validity of that budget and reduced it by 70 per cent.

I wonder what can be accomplished with only 30 per cent of the budget they presented. Either we are terribly underfunded or else the number of committees is too great. Another factor may be that, perhaps, our ambitions or our projects are too great.

Perhaps it would do well for this chamber to have a debate on what we do when we do not have the keys to the bank and the other place has decided how much money we will have for our committee work. They do not, I hope, judge the worthiness of the inquiries or the committee work we want to undertake. This disturbs me.

[Senator Kroft]

• (1540)

I know that other committees have been allocated substantially reduced budgets. We must find a better way of doing this.

[Translation]

Senator Bolduc: Honourable senators, if we draw an analogy with the government, I would propose that the relationship between the joint leaders be comparable to that between the Minister of Finance and Treasury Board. The Standing Committee on Internal Economy, Budgets and Administration would become the equivalent of the Treasury Board. On the one hand, the equivalent of the government would assume leadership. On the other hand, in accordance with its mandate, the committee would do the work it is supposed to do.

[English]

Senator Kroft: I should like to close this debate with a mild observation. It is rather a positive reflection when I think that, over the past three years, the most dramatic increase of any component of our budget has been in the works of the committees. Let us not forget, this is not based only on the increased number of the committee; it takes into account the secretariat of the committee and all the support work that committees require. This has been the most rapidly growing portion of our budget.

It is well to note that our problem is created by the fact that so many senators want to work so hard on so many days in the interests of Canadians.

The Hon. the Speaker pro tempore: Honourable senators, is the house ready for the question?

Hon. Senators: Question!

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

LEGAL AND CONSTITUTIONAL AFFAIRS

BUDGET—STUDY ON IMPLEMENTATION OF STATUTORY REVIEW PROVISIONS— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixteenth report of the Standing Senate Committee on Legal and Constitutional Affairs (budget 2002-2003), presented in the Senate on May 2, 2002.—(Honourable Senator Milne).

Hon. Lorna Milne moved the adoption of the report.

She said: Honourable senators, the Standing Senate Committee on Legal and Constitutional Affairs has a mandate from this chamber to examine acts containing a mandatory review provision.

The committee found at least three instances where the period of time allowed for a mandatory review had passed. It is the intention of the committee to research this further with the help of personnel from the Library of Parliament. We estimate that this in-house study will cost \$2,000. I would, therefore, request that the Senate approve this budget.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

STUDY ON MATTERS RELATING TO FISHING INDUSTRY

REPORT OF FISHERIES COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Johnson, for the adoption of the fifth report of the Standing Senate Committee on Fisheries entitled *Selected Themes on Canada's Freshwater and Northern Fisheries*, tabled in the Senate on February 19, 2002.—(Honourable Senator Watt).

Hon. Charlie Watt: Honourable senators, I rise to speak to the report entitled, "Selected Themes on Canada's Freshwater and Northern Fisheries," which was tabled in the Senate on February 19. The committee's report is based largely on fact-finding meetings conducted in Nunavut, the Northwest Territories and Nunavik in 2000 and 2001.

Let me begin by saying that it is important that the Fisheries Committee be able to travel to fishing communities. The last time I checked, there was no fishery in the Rideau Canal. Senator Comeau noted in his recent remarks that "a northern visit was long overdue." Indeed, the committee last considered the northern fisheries 16 years ago in a fishing market report. I am confident that members who participated in this more recent study now have a greater understanding of the culture, lifestyle and aspirations of northern Canadians.

My remarks will be limited to the Arctic, a region that accounts for 40 per cent of Canada's land mass but only 1 per cent of the population. At the outset, it is important to point out that the Arctic is, first and foremost, the homeland of Aboriginal people.

A number of major issues are dealt with in the report. A major health concern of Aboriginal people is the contamination of fish and marine mammals. Traditional foods are vital from an economic and cultural standpoint, and are a major part of their diet. Persistent organic pollutants — or POPs — have been linked to cancer, birth defects and various genetic abnormalities. High levels of these substances have been found in mothers' breast milk, and the risks associated with the accumulation of contaminants increase over a person's lifetime.

The committee recommended that the Department of Fisheries and Oceans expand the amount of research it undertakes in determining contaminant levels in fish and marine mammals in the Arctic, and that the department work more closely with other federal government departments — Health Canada, Environment Canada and Indian and Northern Affairs — and Aboriginal communities, to monitor and interpret the significance of findings.

Another major issue addressed in the report is climate change. The coastlines are changing due to the melting of ice. Wildlife is appearing in areas where it had not been previously seen. Global warming is well underway in the Arctic, and the long-term consequences of climate change are expected to be greatest in the Arctic.

Canada has either signed or endorsed a number of international agreements to protect the region, and the implementation of these commitments is a priority for northern Canadians. The committee recommended that the Government of Canada more vigorously promote international action to address the global issues of climate change and long-range air pollution and, on an annual basis, report to Parliament on the activities undertaken by Canada.

Canada and the other circumpolar countries have collaborated in scientific research. The Inuit have long recognized the benefits of such multilateral cooperation and information sharing. The committee recommended that Aboriginal participants at international fora be expanded. The building of partnerships in support of global Arctic issues must also be encouraged. Regional linkages, such as those established by the Inuit Circumpolar Conference, the Arctic Council and the council's working groups, can only strengthen efforts for action on common interests.

There is a discussion of co-management in our report. The first comprehensive land claim settlement in Canada — the James Bay and Northern Quebec Agreement of 1975 — which I helped to negotiate, set the tone for the other comprehensive claims and modern-day treaties that followed. Since 1975, comprehensive claims agreements have incorporated systems of sharing power and responsibilities between government and local users of resources, including fish. As a result, the fisheries programs of the DFO are conducted mainly in conjunction with co-management boards. Co-management arrangements range from large-scale projects between government authorities and Aboriginal organizations, to small-scale, community-based, cooperative projects in which government officials work closely with local groups.

Co-management is founded on the notion that government shares decision-making power with the local fishers in exchange for their knowledge, cooperation and assistance in managing the resource. Co-management recognizes local-level management, consensus decision making, community-based data collection and monitoring, and the traditional ecological knowledge of Aboriginal people. Community-based co-management is widely accepted and supported in the Arctic. As an indispensable complement to scientific knowledge, the committee recommended that traditional ecological knowledge always be given consideration in fisheries decision making.

• (1550)

There are many challenges in the Arctic, not the least of which is the growing number of people dependent on a renewable resource base. Throughout the region, there is much interest in developing the renewable resource economy, including fisheries, while at the same time preserving subsistence harvesting. Demographically, the population is very young. This sets the stage for tremendous pressure to create jobs in an area where unemployment is much higher than the rest of the country.

With respect to development, the challenges are unique. Transportation, energy and communication costs are unusually high. Economic opportunities are unevenly distributed. The region is isolated from potential markets. Lack of capital is an obstacle. Committee members were told that the three northern territories were the only jurisdictions in Canada that do not have economic development agreements with the federal government. On a more positive note, the committee reported that there are relatively small fisheries projects that show good potential for development.

In June 2001, a group of committee members travelled to the town of Kuujuaq in Nunavik, which happens to be my community. Nunavik means the "main land" in my native language of Inuktitut. The Inuit territory of Nunavik is located north of the fifty-fifth parallel and encompasses one third of the province of Quebec. Approximately 8,600 Inuit reside there in 15 communities along the coast of Hudson Bay, Hudson Strait, the Quebec/Labrador peninsula and Ungava Bay. Near Kuujuaq, on the Nepihjee River, the committee members visited Canada's first "fish way" in the Arctic. They met a number of individuals in Nunavik, including Geoff Klein, a biologist with the Makivik Corporation, and Allen Gordon, the President of Nayumivik Landholding Corporation. Mr. Gordon is also an Inuit subsistence and commercial fisher. I will have more to say about Allen in a few moments.

In Nunavik, there are obstacles like waterfalls and low water flows that impede the migration of fish to the sea in the summer and over winter and spawn in freshwater. Those barriers result from the land slowly rebounding from the weight of the glaciers that dominated North America in the last Ice Age.

The work on the fish way began in 1999, when a channel was blasted around two small waterfalls on the Nepihjee, which flows into Ungava Bay. The channel allows fish to swim up to freshwater. To further boost the Arctic char stock, juvenile fish are also reared in a hatchery that operates in an abandoned water plant. Some 100,000 fry are now being produced each year. The eggs are brought in from an area about 85 miles from Kuujuaq, near the village of Tasiujaq, with the authorization of that community and on the condition that the eggs would not be sent elsewhere.

The project is very much a success. In fact, Arctic char and other fish like brook trout and whitefish started using the fish way in a matter of hours after the fish way was built. Local lakes that had not previously supported Arctic char are becoming populated with both wild fish and hatchery-raised fish. The benefits to the community include the ability to meet the growing subsistence

needs of the local population and the opportunity to practise traditional harvesting techniques. Other lakes and rivers can be similarly reconnected to the sea, and other communities in the region have expressed an interest in undertaking similar projects. The potential for enhancing Atlantic salmon is also believed to be good. In February, the committee recommended that governments encourage and help fund local river improvement projects. The committee concluded that projects such as the one on the Nepihjee River for Arctic char are deserving of federal and provincial government support.

That brings me to the Roméo LeBlanc National Awards for Responsible Fishing. Each year, since 1999, individuals from Canada's Atlantic, Pacific and the freshwater and Arctic fisheries are selected by the Canadian Responsible Fisheries Board. They are presented with the prestigious awards in recognition of their outstanding contribution to responsible fishing practices and conservation. Last week, four people were so honoured for "rolling up their sleeves and making a positive difference in the future of Canada's fisheries," as the Minister of Fisheries and Oceans put it. The ceremony was hosted by Senator Comeau and was held just outside this chamber in the Senate rotunda. Allen Gordon, the person I mentioned earlier, received the Arctic award for his outstanding work in restocking the rivers and lakes of his community. The people of Nunavik are very proud of Allen's achievement.

In closing, I thank Senator Comeau for his excellent work as the Chair of the Fisheries Committee.

Hon. Nicholas W. Taylor: I compliment the honourable senators on the report. As one who had to live on Arctic char about 50 years before you were born, I realize it is a very excellent source of food for the people on the land today.

The honourable senator mentioned global warming. In other words, there is a certain tilting of the pole, and that may in itself bring on more pollution. Did the committee hear anything about the concentration of PCBs or other types of chemicals in the livers and vital organs of the fish you were examining?

Senator Watt: Senator Taylor, thank you for your question. The information that we have received so far from the witnesses that have appeared in front of our committee has not specifically addressed that problem in regard to Arctic char. As a person who has lived there and utilized the resources, I know that a certain amount of contamination already exists within the Arctic char, especially around the fatty tissue area. A number of concerns are building up in our community. To what extent can we safely continue to utilize that fish for human consumption? That is the question for today, because they are not being properly monitored and checked.

Let me go a step further. Inuit people do not only eat Arctic char. Other fish come from the Arctic that every human being in this country, maybe even in the international community, utilize and consume. The committee did ask specific questions in that regard.

• (1600)

To what extent is fishing being monitored? Let us say, for example, there are trawlers out in the ocean. Most of them have their own processing plants. What kind of technology do they use to check for contaminants in those fish? None really. The only thing they do, from time to time, when the fish come into the plant, is check perhaps one fish out of 1,000 to see if there are any worms in the fish.

In other words, honourable senators, I do not think we are at the stage, today, where we know what is really happening to our food source. This is very important. Hopefully, when the committee presents its supplementary budget, the Internal Economy Committee will take that into consideration.

On motion of Senator Comeau, for Senator Johnson, debate adjourned.

ISSUES IN RURAL CANADA

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Andreychuk calling the attention of the Senate to issues surrounding rural Canada.—(*Honourable Senator Andreychuk*).

Hon. A. Raynell Andreychuk: Honourable senators, I wish to preface my remarks about rural communities in Canada by again addressing the issue of agriculture. Much has been said, and many recommendations for action have been made from the Senate, with respect to agriculture. I simply wish to underscore the urgency of the agricultural crisis and the need for a more comprehensive long-term approach to sustain this valuable industry in Canada.

Agriculture cannot simply be seen as another business, but must be treated as the most critical and necessary element in the food production for the population of Canada. In our haste to be viable, flexible and competitive, we must not forget the need for a secure and safe food production and food distribution system.

The United States farm bill will provide huge subsidies to the farming community and, most notably, many giant food corporations. This bill is clearly not in the spirit or the intent of the World Trade Organization. This, coupled with the slow pace of any real reform in the European Union, is worrisome to countries like Canada and others that have positioned themselves to adhere to the World Trade Organization rules in agriculture.

Honourable senators, I would therefore call upon the Government of Canada and the provincial governments to work in a comprehensive, unified way in reassessing our approach to the World Trade Organization on this issue of agriculture and to put aside our differences in favour of a unified voice and action plan.

This has not always been the case in Canada due to the varied concepts in agriculture and the nature of politics in this country. At this time, we can ill afford to continue to accentuate our differences internally when the real threat is coming from the mega-powers. While the issue of economic development is at the heart of continuing rural viability, there are other equally important issues that have not received sufficient attention. I wish to highlight some of them today.

The survival of rural communities in Canada has received increased attention lately due to the farm crisis on the Prairies, the declining forestry industry in B.C., the lack of sustainability of the fishery on the East Coast, and continued underdevelopment of most rural areas of Central Canada. These communities are suffering, not only from an absence of investment capital and economic hope, but also from a declining stock of social capital. In the past, the strong system of local governments, cooperatives, farm organizations, voluntary organizations and associations, community groups, sports and cultural groups, and so on, created high levels of civic engagement leading in turn to the creation of what social scientists have recently come to refer to as social capital. More recently, however, with the withering away of these institutions of cooperation, there is a growing concern not only about the economic viability of rural Canada but also about the quality of governance in these small communities and hence the quality of life.

The concept of social capital refers to the social connections, the attendant norms and trust that allow people to work together and pursue shared objectives. The idea is simply that the more we connect with other people, the more we trust them, and the more we trust them, the more we are willing to work with them in our community. Social capital is built on the conventions of reciprocity found in communities, organizations, clubs and groups in which tightly knit networks of people benefit from the mutual support, collective sharing and empowerment provided by pooling their resources; in other words, the pioneering spirit on which Canada was founded.

In both the academic and policy-making communities within governments, there is an increasing recognition that the level of social capital is closely associated with issues such as poverty, crime, economic development and government performance. The less social capital that exists, the harder it will be to deal with many of the public policy problems. Increasingly, social capital is coming to be seen as an undervalued commodity that will increase with use and diminish with disuse.

Social capital has been withdrawn or run down in rural Canada — especially in smaller towns — over the last decade, at an alarming rate. This has put the survival of many small towns in doubt. There are probably three overarching reasons for social capital being withdrawn or run down in rural Canada: first, rural population trends; second, intensified market pressures; and, third, pressures on government to reduce taxes and limit spending.

A high level of social capital was based on the fact that many rural communities needed to be self-reliant and used to pride themselves in this self-reliance. The decline of social capital in rural Canada can be seen in developments, such as declining farm populations, shrinking communities, closure of rural elevators,

the end of various fisheries, declining church membership, closing of service clubs and declining newspaper circulation. There is a clear indication of a decline in the former civic culture that used to characterize rural Canada.

The consequences of this decline in social capital in rural Canada are to be found in the increased alienation of rural voters, a greater move from collective to individual values, and an increasingly difficult time to meaningfully connect rural issues to urban issues. There is clearly a danger in a decline in rural Canada's tradition of vigorous self-government and its former role in providing leadership for the country as a whole.

• (1610)

Rural Canada, with vision, leadership and tenacity, can fight back through various processes such as those associated with rural development. The term "rural development" simply refers to making the towns and villages of this country enjoyable places to live, work, raise families and create a sense of community. Generally, the four major areas of rural development are economic growth, education, public health and safety, and community. Each of these four areas is greatly affected by technology and communications policies, which need to be addressed in such a way that they provide opportunities for rural Canada, rather than deny them.

The traditional businesses of rural communities have been farms, retail stores, manufacturing plants and companies that harvest natural resources such as coal and timber. The strength of these businesses determines the financial health of the families and local governments of rural communities. Rural businesses are facing challenges getting the basics they need to thrive, such as access to capital, infrastructure, educated and skilled employees, and a generally supportive business environment.

What we see mostly with regard to rural Canada are images of farmers appealing for more assistance through existing agricultural programs. However, most of the programs fail to address the root causes of the problems.

Rural Canada's decline is as much a decline of small manufacturing in rural areas, and other economic activities in communities, as it is about farm crisis. Although the main manufacturing sector is bouncing back from its downturn of the 1980s, it is not coming back in rural areas where we are seeing a steady movement toward larger urban communities.

A related problem is the growing gap in per-capita incomes between rural and urban populations. Rural citizens now earn, on average, about 30 per cent less than their urban counterparts. This is as wide as the gap has been since World War II. Obviously, this difference in income also encourages people to move out of rural areas.

Working on the rural side of the equation alone will not resolve the problem. Urban centres are highly attractive to migrants. The concentration of economic activities in these centres is due, in part, to the direct and indirect subsidies from the federal and provincial governments to the firms that locate there. These subsidies are reflected in the publicly built water and sewage systems, occasional tax relief for location in these centres, and the continued construction of transportation systems to alleviate congestion.

The decline of the family farm and rural communities that we see around us is not inevitable. It results from decisions made by governments and people, and can be reversed by the same agents with the help of community initiative, passion, citizenship involvement and perseverance.

Sceptics tell us that family farms cannot compete and rural communities cannot survive. They say we cannot have economic opportunity without sacrificing environmental quality and accepting growing inequality and concentration of wealth and power. In essence, they say we have no choice about our future.

That, honourable senators, is simply not true. It only comes true if we resign ourselves to it. We must ensure that one generation into the future people will be asking not whether family farms can survive but whether large corporations in urban Canada can compete with lean, well-managed and socially responsible small enterprises in rural Canada.

Another issue surrounding rural Canada is poverty. Poverty in rural areas is a complex problem and one that tends to be obscured beside the intense media coverage of other issues, such as homelessness. However deserving this may be, there are some particular distinguishing features of rural poverty that have to be identified. They are, for example, the high level of invisibility of this poverty, the out-migration and its effects on local demography in terms of depopulated areas, physical isolation and aging populations. It involves other related issues, such as a diminishing economic base, substandard housing, isolation of women and older people, the non-availability or withdrawal of local services, limited health and social services provisions, inadequate information on service entitlements, and low levels of participation in local government development mechanisms and development activity with an anti-poverty focus.

Those living in, or at risk of, poverty in rural areas have been identified to be farmers, fishermen, those who are not property owners engaged in part-time or seasonal work, unemployed people, children — particularly early school dropouts — rural women, lone parents, people with disabilities, older people and single men living alone.

There is a need for greater local involvement in rural policy development. Those in greatest need of services, older people and people with disabilities, may not be able to access them. There are strong social arguments for not curtailing services in rural areas such as post offices, health centres and, in particular, public transport.

The basic ingredients of a country life in Canada are rapidly being eroded. That sense of belonging and participating in a community is diminishing. Many rural and remote communities lack the essential service infrastructure required to support young people and their families. If family support services are thin on the ground in major centres, they may be practically non-existent in rural parts of Canada. While local community support networks still exist in rural and remote communities, the changing social and economic circumstances in these communities no longer provide the safety net they once did for people when they were in crisis.

In relation to health, research reports are beginning to appear suggesting a correlation between health status indicators and the level of social capital. Many rural communities have accumulated considerable social capital through involvement in their local hospital. Often this has been translated into financial and fiscal capital through fund-raising for buildings and equipment. Seen in this light, it is not surprising that rural communities experience externally imposed restructuring of their hospitals as stealing from their community. Community participation in developing health service models promotes a sense of ownership of the local health service, increases local knowledge and skills and strengthens local relationships and networks.

The economic viability of many rural communities and that of farms and ranches is closely tied. Main street businesses in rural communities depend on the spending power in nearby farms and ranches. In turn, these operations often depend on the services of the local agricultural input suppliers and local agricultural processing, distribution and marketing enterprises. Therefore, investments that support enterprises associated with the products of sustainable agricultural systems will help farms and ranches, as well as rural communities, to capitalize on the economic benefits of these systems.

Investments that directly support sustainable agriculture are not by themselves sufficient to curtail the exodus of residents from rural communities. To be healthy, rural communities must have at their base a solid infrastructure to support economic development; for example, investments in upgrades to bridges and roads and the modernization of medical, communication and capital lending systems.

The Hon. the Speaker: Senator Andreychuk, I regret to advise that your 15-minutes have expired.

Senator Andreychuk: Honourable senators, I have one page left. I ask for leave to finish.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Senator Andreychuk: Thank you.

• (1620)

The federal government must begin to design strategies that foster social capital throughout rural Canada. If one attempts to build social capital through commercially driven activities alone, one will not create much. Of course, public policy from any level of government can both create and destroy social capital. Public policy that is myopic and lacks sufficient planning or expertise can result in policy that leads to the formation of cliques, exclusionary organizations, closed societies, apathy and helplessness, lack of political efficacy and poor government responsiveness.

The message for the federal government is that it is better to bind the citizens of Canada together by horizontal relations or reciprocity and cooperation than by vertical relations of authority

and dependency. The point is that it is important to have citizens interact as equals, not as patrons and clients of the federal government. This interaction need not be in political forms and can occur in other kinds of activities, such as memberships and organizations. The health of the associational system in rural Canada will be an important indicator of the health of rural society.

Honourable senators, it is my hope that the federal government will lead the way in acknowledging the diversity of our communities and will place equal weight on the need to encourage and support rural communities, as well as urban centres. It should not be a matter of choosing. It should be a matter of giving each their pride of place. It was best said by Prince Charles last year when he visited Saskatchewan. He stated that Canada is "a much more urban society than people in Europe perhaps realize." Yet, he said, "We must not lose sight of the contribution of rural life to the natural psyche or, put another way, to the national soul. I compare rural and agricultural areas, like forests and parks, to lungs which enable our urban civilization to breathe."

Therefore, honourable senators, the emphasis should not be on where we live but rather on what values and services all Canadians share or should share and, equally on how all can make a contribution to the whole of Canada. In the coming months, as we reflect on many social issues in this chamber, I trust that rural communities will be part of that discussion.

Hon. Jim Tunney: Honourable senators, I cannot help but express a few comments at this time. The lead story in the television news this morning and in a daily newspaper that I read is the crisis in agriculture. That crisis in agriculture has been caused by a neighbour of ours who hardly knows we exist. According to an Ipsos-Reid poll, the ignorance of those polled about just who we are was unbelievable. We are, for many, another state in the union. Others believe that the largest trading partner of the U.S. is Japan. Some believe that the resources they depend on do not come from Canada, but they do not quite know where they do come from. If I had the authority and the opportunity, they would certainly know where their natural gas comes from after I shut off the valves. I would only do that to draw their attention, not to punish them. It would not take long after the light bulbs went out in California for them to begin talking to us. They would then know who we are and where we are.

Another recent story in the news is very disturbing: Over 1 million people in South Africa will soon face starvation. Low prices for foodstuffs caused by subsidies in the U.S. and the EU are putting Canadian farmers out of business. We should be feeding those starving people. We have money for almost everything else, but we do not have money for the protection or salvation of lives.

On motion of Senator Tunney, debate adjourned.

The Senate adjourned until Wednesday, May 8, 2002, at 1:30 p.m.

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• VOLUME 139

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OFFICIAL REPORT
(HANSARD)

Wednesday, May 8, 2002

—
**THE HONOURABLE DAN HAYS
SPEAKER**



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Wednesday, May 8, 2002

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

[Translation]

SENATORS' STATEMENTS

SITUATION IN THE MIDDLE EAST

Hon. Lucie Pépin: Honourable senators, in connection with the crisis in the Middle East, I recently received an intensely emotional e-mail and would like to share some excerpts from it with you. The writer, Magda Nicola, is a Canadian of Middle Eastern descent who lives in Ontario. The message she has sent to her friends is an appeal to step up the efforts to restore peace in the region. I will read a few passages from it:

[English]

Ultimately, for many of you to whom I am sending this e-mail, peace in the Middle East will not affect you personally. You may have to pay more petrol, or you may have to cancel your long awaited trek through Egypt, but for me, it's different. It is my father's birthplace and...I still have a great deal of family residing there.

I live with a constant nagging of fear that my cousin, or my aunt, or other close family members will be injured, or killed simply because they happen to be in the wrong place at the wrong time. I live with a constant nagging fear that I will never have the chance to see my cousins, my aunts, uncles, or other close family again. Every morning I wake up and I realize only when I don't hear it, that I've been holding my breath for bad news coming from cities and towns where my family lives....

Do you remember how you felt on 9/11 when you heard about the atrocious attacks in the U.S.? Do you remember the absolute panic you felt when you started to think about the people you knew who could have been affected? Do you recall how helpless you felt, and how you felt when you realized that everything you knew to be safe suddenly wasn't.

It's a terrible feeling. Please remember that when I hear of a suicide bomb in a city or town where my family lives that is how I feel. Every single time. Please remember that every single person who has family residing in Israel or Palestine feels that way. Every single time a bomb goes off, a shot is fired, a house is bulldozed, or people are rounded up. Please remember that every single person who lives in Israel or Palestine feels that way every single day. It's a terrible way to live.

[Translation]

I agree with Mrs. Nicola that this is a terrible way to live. The heavy atmosphere of terror that has spread after September 11, 2001 is there to remind us of this. There is nothing worse for a

human being than to feel threatened, particularly by people toward whom one feels no animosity in the least. It is hard to feel obliged to pay with one's life for actions for which one is not accountable, or for a political decision one does not, in any way, support.

We may have a tendency to forget this, but this conflict affects millions of people, who live in constant fear for their loved ones. It is for their sake, as much as for those who are living through this crisis everyday, that this conflict must come to an end.

PRESIDENTIAL ELECTION IN FRANCE

Hon. Gérard-A. Beaudoin: Honourable senators, yesterday Honourable Senator Lise Bacon delivered a statement on the visit to France of a group of parliamentarians under the auspices of the Canada-France Association. I do not want to repeat what our Chair said so aptly about the purpose of that exchange. Now, after the second round of the presidential election, I would just like to add a few words about the electoral system.

The first ballot of the presidential election, held on April 21, shook up France. The left was rejected. The French reacted on the second ballot, and the extreme right lost, perhaps in an unprecedented defeat, in that second ballot.

As honourable senators will know, France has "married" a parliamentary and a presidential regime.

After last Sunday's vote, some raised the concept of "reforming the Republic." A special issue of *Le Monde* was devoted to this. We had the opportunity, moreover, to attend two round table discussions, involving both political figures and intellectuals.

Now, however, they need to wait for June and the legislative election. I do not doubt that a degree of balance between left and right will be restored, but the question still remains unanswered: which will win out, right or left? Only then will France be able to address the matter of cohabitation.

In conclusion, I will just say that we had an opportunity to learn first-hand how the electoral system operates. Our visit was, therefore, extremely educational.

• (1340)

NATIONAL NURSING WEEK

Hon. Yves Morin: Honourable senators, National Nursing Week provides us with an opportunity to draw attention to the essential contribution made by nurses to our health care system. With this year's theme being "Always There for You: Caring for Families," we also want to stress the vital role played by nurses in the promotion of health for Canadian families.

[English]

Nurses are the single largest occupational group within the Canadian health care system. More than 225,000 registered nurses provide quality, cost-effective health care. Nurses are team players who recognize the value of collaborative partnerships among health care providers. They play an integral part in maintaining our strong national health care system.

Health research is providing us with the evidence we need to ensure that their role can be maintained and strengthened. For instance, research carried out by Dr. Ann Tourangeau and supported by the Canadian Institutes of Health Research has provided us with evidence that the knowledge and skills of registered nurses make a difference in patient survival rates. Dr. Tourangeau looked at the outcomes of 47,000 Ontario patients. Results showed that patients with the best outcomes were attended to by more experienced nurses with higher levels of education.

Through CIHR's Institute of Health Services and Policy Research, under the able leadership of the scientific director Dr. Morris Barer, we are learning more about how to ensure that nurses continue to be in a position to contribute to the health and well-being of Canadians.

[Translation]

The knowledge gained through this type of research allows us to improve health care services and the quality of life of Canadians. National Nursing Week is an opportunity for us to express our support for nurses, and to stress their professionalism and dedication.

[English]

ANTI-DOPING EFFORTS IN SPORT

Hon. Francis William Mahovlich: Honourable senators, on April 25 and 26, 2002, in Kuala Lumpur, Malaysia, Canada co-chaired the fourth meeting of the International Inter-governmental Consultative Group on Anti-Doping in Sport, a group that provides direction and guidance to government representatives of the World Anti-Doping Agency. The meeting was the largest ever, with 130 delegates participating from 44 countries.

At the last meeting in Cape Town, South Africa, Canada proposed the creation of an international instrument against doping in sport. Last week, governments agreed to the development of a memorandum of understanding to strengthen collective efforts in eradicating this most serious problem.

In addition, the World Anti-Doping Agency is also developing a World Anti-Doping Code. Both the memorandum of understanding and the code are expected to be implemented in

time for the 2004 Olympic and Paralympic Games in Athens, Greece.

Performance enhancing drugs in elite sport represents a global challenge to the continuing values and integrity of sport. Canada is recognized around the world for our efforts to eliminate doping in sport, exemplified by our significant efforts in developing international agreements on anti-doping.

We must ensure that sport is a clean and healthy pursuit, and that sport is an activity that we want our young people to become involved with and excel in. The route to the winner's podium should always be through honest endeavour, commitment and hard work. I applaud the government for its determined efforts to resolve this serious problem.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I have the pleasure of drawing to your attention the presence in the gallery of our former Senate colleague the Honourable James Ross and Mr. Alexander.

On behalf of all honourable senators, I welcome you.

[Translation]

Honourable senators, I wish to draw to your attention the presence in the gallery of a group of guests of Senators Prud'homme, Biron, Nolin, Pépin and Cools. These guests are members of the Bois-de-Boulogne self-help group, Middle-East Immigrant Aid Society in Canada. They are accompanied by their president, Mrs. Claude Ayas. On behalf of all senators, I welcome you to the Senate.

ROUTINE PROCEEDINGS

ILLEGAL DRUGS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT

Hon. Pierre Claude Nolin: Honourable senators, I give notice that on Thursday, May 9, 2002, I will move:

That the date of presentation by the Special Senate Committee on Illegal Drugs, of the final report, on its study into reassessing Canada's anti-drug legislation and policies, which was authorized by the Senate on March 15, 2001, be extended from August 31, 2002 to Thursday, September 13, 2002.

[English]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTINGS OF THE SENATE

Hon. Marjory LeBreton: Honourable senators, I give notice that on Thursday next, May 9, 2002, I shall move:

That the Standing Senate Committee on Social Affairs, Science and Technology have the power to sit on Wednesday, May 22; Wednesday, May 29; Wednesday, June 5; and Wednesday, June 12, 2002, at 3:30 p.m., even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

QUESTION PERIOD

PUBLIC WORKS AND GOVERNMENT SERVICES

INTERNAL AUDIT OF VISIBILITY AND SPONSORSHIP PROGRAMS

Hon. Pierre Claude Nolin: Honourable senators, my question relates to the revelation in Monday's *Globe and Mail* about problems and questionable practices with the government's \$40-million-a-year visibility in sponsorship programs. The article is based on 3,000 pages of internal audit documents from Public Works that detail, among other things, instances of political interference with the program, double-billing, over-billing and other questionable practices by advertising agencies, including scant controls on payouts and unexplained spending and suggestions that bureaucrats were intimidated when they raised questions about how the program was being administered. Would the Leader of the Government in the Senate please provide honourable senators with her government's response to these revelations?

Hon. Sharon Carstairs (Leader of the Government): As the honourable senator is aware, the government had concerns about the sponsorship program and conducted an internal audit two years ago that led to a number of administrative changes within the department.

• (1350)

At approximately 3 p.m. this afternoon, following Question Period, the Minister of Public Works, the Honourable Don Boudria, will table the Auditor General's report. It is my understanding that anything that the Auditor General recommends will be put in place.

[Translation]

Senator Nolin: Honourable senators, we have also learned that the RCMP gave out contracts under this program in order to increase its visibility. Does it not look like a conflict of interest

when, on the one hand, the RCMP is looking into the operation of the program and, on the other, it is using the program to increase its visibility?

[English]

Senator Carstairs: Honourable senators, we do not know at this point whether the RCMP is looking into it nor even if that is one of the recommendations of the Auditor General. It may be the case, however. I have not seen a copy of the Auditor General's report. I will get my copy, like all other parliamentarians, after 3 o'clock this afternoon.

However, while there may have been administrative problems with the sponsorship program, those problems were first identified internally. We must remember that. It is also important to remember that many excellent groups received sponsorship dollars — not only in the province of Quebec but also throughout the country. Those sponsorships were an important component of the visibility of the federal government. The RCMP received one of those contracts for its musical ride, which, despite the comment made by the Honourable Leader of the Opposition, has nothing to do with the Liberal party and has everything to do with the promotion of what I still believe, and which most Canadians believe, is one of the finest police services in the nation and in the world.

Senator Kinsella: Cover up!

INTERNAL AUDIT OF VISIBILITY AND SPONSORSHIP PROGRAMS—INVOLVEMENT OF LOCAL MEMBERS OF PARLIAMENT IN FUNDING OF OTTAWA TULIP FESTIVAL

Hon. Marjory LeBreton: Honourable senators, on this topic, my question pertains to the problems with the Department of Public Works' visibility and sponsorship programs raised by the recent internal audit. One case in the audit deals with political interference by four Ottawa area members of Parliament who successfully overturned a department decision not to use the program to fund Ottawa's Tulip Festival. These members of Parliament, including the Honourable John Manley, acted despite the fact that three other departments were already involved in funding the Tulip Festival.

Would the Leader of the Government in the Senate provide her reaction to this specific example of political interference?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, believe it or not, members of the House of Commons and members of the Senate are politicians. One of the jobs that we are given as politicians is to respond to inquiries, questions and, yes, in some cases, specific requests for funding by our constituents. That is what the members of Parliament in this case did. They went to the department and they said, "You have cut off this funding, which had every indication of being granted, six weeks before this festival was to occur. You decided unilaterally not to give sufficient advance warning so that planning could have been done in an organized way." The Tulip Festival in this city is a national festival. It is not only a festival for Ottawa but also a festival for the nation, and an extremely valuable one. In this case, I think the politicians were doing their jobs.

Senator Lynch-Staunton: Tulip bulbs keep the country together!

Senator LeBreton: Honourable senators, the minister did not listen to my question. Three other departments had already contributed to the festival. The issue, according to the Prime Minister, is federal visibility. On the issue of visibility, could the Leader of the Government in the Senate try to rationalize why the federal government would need more visibility in a festival where three other federal departments are involved, namely, in the National Capital Region, and also where the federal government's presence is felt at every street corner in the city. Three other departments had already contributed to this festival, so why would the government have to put more money into the Tulip Festival for federal visibility?

Senator Carstairs: Honourable senators, the issue here was the little time available once these volunteers were informed that their money was to be cut. That is the issue here. As good representatives of their constituents, the very same volunteers, these members argued, and argued well, that the money, which had been given in previous years — this is the not the first time — should again be granted.

Senator LeBreton: There is no one that is prouder of the National Capital Region or the City of Ottawa than I am. I was born and raised here. However, the fact is that the federal government was using taxpayers' dollars to sell the federal government to the citizens of Ottawa and to the country — especially when they realize Ottawa is their capital — and then would bring in the question of volunteers in reaching for an answer. By her answer, it is clear that the minister has no explanation for this situation.

Senator Carstairs: I should like to ask the honourable senator why, then, is it that the embassies sponsor this particular festival? The Chinese embassy has a giant tulip in front of its building, advertising the tulip festival. Similarly, the American embassy has a large sign in front of its building celebrating the tulip festival. Is the honourable senator saying that we should get all the rest of the countries in the world to sponsor the tulip festival but that we should not be asking the Canadian government to contribute?

INTERNATIONAL TRADE

UNITED STATES—RENEWAL OF SOFTWOOD LUMBER AGREEMENT

Hon. Pat Carney: Honourable senators, my question is to the Leader of the Government. Why would the government give so much priority to tulips in Ottawa and so little priority to the softwood lumber issue, which is a national issue? They have committed a piddling \$20 million to an advocacy program in the United States and \$30 million to develop new markets in other places in the world. Why cannot the government spend some political will on raising this issue and giving it priority in its relations with the U.S. rather than spending the money to raise tulips — a real fading flower in British Columbia at this moment — in Ottawa?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, with the greatest respect, I think the Honourable Senator Carney got carried away with her rhetoric. She is comparing a sponsorship program for a festival with the months of activity that the government has been engaged in trying to settle the softwood lumber issue and the work of a number of cabinet ministers towards trying to put programs together that will help those most affected in the softwood lumber dispute. I do not think we should be comparing those two matters.

Senator Carney: Honourable senators, the government is not comparing them. They care more about tulips in Ottawa than they do about the 50,000 people who will be out of work in British Columbia, in Quebec and in other provinces. I am asking the minister again: If I am carried away by rhetoric, what is her answer to the people in Canada and British Columbia that all the government can spare is \$50 million to advertise in the United States and develop other markets for softwood lumber in other countries?

Senator Carstairs: Honourable senators, the softwood lumber file, as the honourable senator knows very well, has been going on for some time in this country. It has engaged ministers in a major way, through months and months of activities. Those activities are ongoing. Ministers are working together to come up with a plan. The honourable senator has indicated one that she has read about in the newspaper, which I cannot confirm today. However, I can confirm that the planning is ongoing and the planning will be far more substantial than the \$150,000 sponsorship program of the Tulip Festival.

UNITED STATES—RENEWAL OF SOFTWOOD LUMBER AGREEMENT—COMMENTS BY MINISTER

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, can the disinterest that the government has shown in the softwood lumber issue be illustrated by the fact that Minister of International Trade said that no unemployment had been created by the softwood lumber controversy?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, there has been absolutely no disinterest in the issue of softwood lumber. It has been a significant and major issue before the Government of Canada for months.

Senator Lynch-Staunton: To be more precise, does the Leader of the Government agree with the Minister of International Trade, who said only last week that no unemployment had been caused by the forthcoming levy that the United States will introduce and, as a result, no mills will be closed? Does she agree with that statement?

• (1400)

Senator Carstairs: Quite frankly, since I did not hear that statement directly, I will neither confirm nor deny it.

PUBLIC WORKS AND GOVERNMENT SERVICES

INTERNAL AUDIT OF VISIBILITY AND SPONSORSHIP PROGRAMS

Hon. David Tkachuk: Honourable senators, I will follow up with a question on Liberal volunteers, and it relates to the audit that was done on the Public Works sponsorship program. The audit revealed a number of cases of double-billing and over-billing. For example, one agency demonstrated proof that it had put up three Canadian flags at a university football game by submitting four pictures of the same flag. That was another Liberal volunteer. In another instance, an advertising agency presented two different pictures of the same ad to demonstrate that the federal government had received prime advertising space at car races in Vancouver and Toronto. Another example under the sponsorship program was when the government agreed to pay \$500,000 to an organization in Montreal. However, the final amount came to \$625,000, and there was nothing on file to account for or to explain the increase. Auditors also observed instances of claims for work that might not have been done, as well as instances of highly suspect invoices.

Who does the Leader of the Government in the Senate hold responsible for the mismanagement of the sponsorship program?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I deeply resent the fact that volunteers in this country would be given a political label of any stripe. Volunteers, whether they are volunteers for palliative care or volunteers for the Tulip Festival, are not asked about their political stripe.

Billions of dollars worth of volunteer aid is given in this country every single year. I firmly believe that many of those volunteers — tragically and perhaps from a lack of foresight — vote Tory, but that is as it should be. Volunteers should be volunteers when they seek activities other than when they are volunteering specifically for a political party, at which point they do put on a label. The volunteers funded through these sponsorship programs are not labelled politically, nor should they be labelled politically.

With respect to the honourable senator's question on the internal audit, it was performed by and for the Department of Public Works and, on the recommendations of that audit, many changes were made. It is clear that the government was not pleased with some of the activities, particularly from Groupaction, when they seemed to be paying out for contracts that seemed to have very little variation among them. It was the government that called in the Auditor General and asked the Auditor General to examine this matter. That is the report we will receive later this afternoon, and that is the report the government will act upon.

Senator Tkachuk: I thank the honourable senator for her protection of Liberal volunteers. However, I would like to ask that question again. These revelations about Groupaction have been around for some time. However, it is only now, this afternoon, when the government hears that the cops will be called in, that all of a sudden they will do what is necessary. It is not that we have not known about this, yet no action has taken place. The government gives us the same old answer to the question of who is

responsible: "Well, it is not us; we are just the government." If it is the bureaucrats, why has someone not been fired? Why has the minister not been called on the carpet? The simple question that the Leader of the Government in the Senate, as a cabinet minister, has the responsibility to answer in this place is this: Who is responsible?

Senator Carstairs: Honourable senators, the most important word Senator Tkachuk uttered in his last statement was the word "allegation."

Senator Tkachuk: No, I did not.

Senator Carstairs: Yes, you did. You read Hansard. They are, in fact, allegations. That is exactly what the Auditor General is examining and that is what the government will act upon.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, I have a supplementary on the visibility program.

In order to ensure that all honourable senators have the full picture, \$40 million dollars were spent to increase Canada's visibility, primarily in Quebec.

Senator Kinsella: How much?

Senator Nolin: Forty million dollars. This stems from the result of the 1995 referendum. Let us be plain. I am not making this up, the Prime Minister has said so on many occasions.

The problem lies in the program's effectiveness. On the one hand, the Prime Minister tells us that the program has made it possible to increase Canada's visibility and that we must stop being critical of the amounts spent. According to the Prime Minister of Canada, the public now realizes that Canada is a very good thing.

On the other hand, the Minister of Intergovernmental Affairs, Stéphane Dion, a Quebecer to boot, has said that he has not met a single Quebecer who has changed his or her mind because of the visibility program. Which of them is right?

[English]

Senator Carstairs: Honourable senators, the sponsorship program was designed to increase the visibility of the federal government not only in the province of Quebec but also outside the province of Quebec. We know from the figures given that the majority of the monies were spent in the province of Quebec. That is clear.

Did Canada need a greater visibility in the province of Quebec? I would say resoundingly "yes." The Government of Quebec spends millions promoting its particular agenda for the province of Quebec. It was very important that the federal government fight back. One way to do this was through the sponsorship program; another way to do it was through the clarity bill, which regrettably was not wholeheartedly supported on the other side.

We are putting our finances in order because, in times of economic stress, people often look at other forms of governing. There is no question about that. It was not just one issue; it was a group of issues, and the sponsorship program was a part of that. I think most of what Mr. Dion was reflecting in his question was that it was part of an overall strategy and not a one-shot deal.

The Hon. the Speaker: I am interrupting to ask honourable senators if they could be a little more respectful of the senator speaking at any given time. I am having difficulty hearing the questions and the answers. I also remind honourable senators that we have less than 10 minutes left in Question Period.

[Translation]

Hon. Roch Bolduc: Honourable senators, the Leader of the Government reminds me of a former Quebec premier, Jean Lesage. When he raised his voice and thumped the table during cabinet meetings, it was because he did not have a good file. On leaving the meeting, he would ask me if what he was saying made sense. The Government Leader spoke of allegations and I am going to lay out the facts. The facts are much more eloquent than allegations.

What is the government's policy on procurement? Last year, the Government of Canada spent \$121,000 on golf balls! I am a golfer. I like golf. But let me tell you that I have never asked the government to pay for my balls.

That is not all. The government was billed \$15,886 for tees. Where I live, 12 tees cost a dollar.

There is more. The Liberals must be poor because, on top of not paying for their tees, they play when it is raining and fork out \$54,852 for golf umbrellas. It is simply shocking!

And get this. In addition to buying \$43,900 worth of microwaves, they bought television sets.

• (1410)

Mr. Martin and Mr. Rock are competing on this. The first spent \$30,000 on television sets; the second, \$90,000. There was even \$1,700 spent on perfume. Is this Minister Gagliano's policy on procurement and government priorities?

[English]

Senator Carstairs: Honourable senators, the first thing the honourable senator did was to compare me with former Premier Lesage, who is not a bad person with whom to be compared. I can now be compared to the honourable senator because he started to thump on his desk. I do not mind being compared to the honourable senator as well in terms of competency in this chamber.

We all know that those individual items were used for promotional events throughout the country. One can argue whether those were worthwhile expenditures or not. However, they were given out to Canadians attending Canadian events across the country. They had on them logos representing the country.

Frankly, I am not a golf player, so I did not get one. Perhaps I can find one for Senator Bolduc.

[Translation]

Senator Bolduc: However, I am sure that Tiger Woods paid for his own tees when he played golf with the Prime Minister.

There are contradictions in the government's policies.

NATIONAL DEFENCE

UNITED STATES—PROPOSAL TO CREATE NORTHERN COMMAND

Hon. Roch Bolduc: Honourable senators, those who follow what is going on realize that the Minister of National Defence recently said that the U.S. proposal to create a Northern Command did not bother him. Yet, the former Minister of Foreign Affairs, Mr. Axworthy, who is a friend of the Americans, said that Canadians should be careful.

Mr. Godfrey, an eminent representative from Toronto, is against Quebec sovereignty, but supports Canadian sovereignty. He says that the proposal on Norcom is dangerous. There is some contradiction here. I simply want to understand what is the government's policy.

Mr. Martin — I do not know if he is campaigning — spoke about the need to revitalize cities, to ensure that urban development in Canada was on par with that of other major countries.

The Prime Minister, however, said that it was not a priority. So what are the government's priorities?

[English]

Hon. Sharon Carstairs: Honourable senators, I will begin with the honourable senator's offside comments. Honourable senators cannot make those kinds of comments and not expect me to respond to them. They are part of an honourable senator's statement when he or she stands.

I assume the reason Tiger Woods had to pay was because these items were for Canadians. They were to promote Canada to Canadians. As much as we might love to have Mr. Woods as a Canadian, he is still an American citizen.

With respect to the much more serious question the honourable senator has asked this afternoon, NORCOM is not a Canadian program; it is an American program. Does that mean we should not have an interest in it? We should, absolutely, because it may impact on our own defence policy, and I think that is the exact reason Minister Eggleton has announced that we must conduct a defence policy review.

PUBLIC WORKS AND GOVERNMENT SERVICES

INTERNAL AUDIT OF VISIBILITY AND
SPONSORSHIP PROGRAMS

Hon. Laurier L. LaPierre: Honourable senators, I am confused. Could the Leader of the Government make a synthesis between the 40 million tulips, Senator Carney's lumber, the volunteers, as well as Senator Bolduc's golfballs? Could the minister put all of that together for us, please?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I think the best way to putting it together is to say that it makes for a lively Question Period.

[Translation]

Hon. Jean Lapointe: Honourable senators, my comments will be brief. This is the most animated debate that I have witnessed since arriving in the Senate. I wonder if, perhaps, the scent of the tulips has awakened our Conservative friends. I think that, next time, we should try to discuss the cannabis flower. This would make the debate more lively.

I am very happy to see that the Honourable Senator Carstairs has regained her vigour and health.

My question is quite simple. Which flower should we choose to wake up our friends for the Senate's next sitting?

[English]

Senator Carstairs: Honourable senators, I must reply to that question by saying that part of the reason I have not been feeling very well is because none of the flowers agree with me. They cause me to have severe asthma attacks.

FINANCE

EFFECT OF LOW VALUATION OF DOLLAR

Hon. Gerry St. Germain: Honourable senators, my question to the Leader of the Government in the Senate relates to a different subject. It concerns Deputy Prime Minister Manley and the Minister of Finance. They are now saying that the value of the Canadian dollar, as low as it is, is of great concern to the government. For week after week I have asked questions in regard to this matter. The concern is that we are losing head offices and companies are being acquired by our American neighbours at a huge discount as a result of the value of our dollar.

The Prime Minister has always used the phrase, "a low dollar," — and most Canadians do not understand what he is talking about, even at the best of times. However, Minister Martin is a former businessman from a recognized business. I am not sure what Mr. Manley did before he entered politics. These people state clearly that the value of the dollar is too low. What has happened to change the government's mind now that we have lost MacMillan Bloedel, along with many energy companies in Alberta, as well as many resource companies in British Columbia? All of a sudden the lights are going on signalling that this is a problem. What has caused this?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, obviously, I can only say that the honourable senator has not been listening for some months. A number of cabinet ministers, including the Prime Minister, have questioned the decline of the Canadian dollar, which now appears to be on the rise. A headline in one of today's papers stated that it could quickly climb to 70 cents. We have heard that before. It is obviously a hope.

We are subject to the international marketplace, which is what has kept our dollar low. The government, through the Bank of Canada, which makes decisions about these things, has allowed the bank to set interest rates because that is the way in which our Canadian democracy works. The impact has not raised the value of the dollar to any significant degree.

The Canadian economy is doing well. In fact, it is doing far better than the economy of the United States. Our productivity is increasing faster than it has for the past two decades. The economic forecasts are good.

Yes, the senator is correct. When the dollar is low we become attractive to companies south of the border as far as takeovers are concerned. However, there have been some Canadian takeovers. Some Canadian companies have merged. As well, some Canadian companies are investing abroad.

The Hon. the Speaker: Honourable senators, I am sorry to interrupt, but I must advise that the time for Question Period has expired.

Senator St. Germain: May I ask a short question?

The Hon. the Speaker: Is leave granted for the Honourable Senator St. Germain to ask a short question, honourable senators?

Some Hon. Senators: No.

The Hon. the Speaker: I hear "no." Leave is not granted.

Senator Carstairs: Honourable senators, Senator St. Germain indicated that he has a short supplementary question. If it is agreeable to honourable senators, I would be prepared to answer that short supplementary question.

The Hon. the Speaker: For leave to be granted, it must be done with a unanimous voice. I do not hear a unanimous voice for leave.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table a delayed answer to an oral question raised by the Honourable Senator Oliver on March 7, 2002 concerning airport security and the efficacy of proposed bomb detection equipment.

TRANSPORT

AIRPORT SECURITY—EFFICACY OF PROPOSED BOMB DETECTION EQUIPMENT

(Response to question raised by Hon. Donald H. Oliver on March 7, 2002)

The Explosives Detection Systems (EDS) equipment currently being deployed is the most up-to-date available, and has proven its ability to effectively detect a wide range of explosive substances. This equipment has been certified by the U.S. Federal Aviation Administration and is being used successfully in other countries.

Once the full complement of EDS equipment has been deployed, all carry-on and checked baggage will be screened for explosives at the targeted airports, representing 99 per cent of total air passenger traffic in Canada.

Explosives detection equipment is one component of the enhanced security regime that the government has put in place. The new Canadian Air Transport Security Authority will be responsible for managing security screening of passengers and baggage at Canadian airports. Its responsibilities include establishing a stable, well-qualified and well-trained security staff to provide effective and consistent screening services across the country. As well, the Authority will be responsible for ensuring the proper use, operation and maintenance of EDS equipment, ensuring compliance with Transport Canada's EDS regulations and standards, and acquiring new EDS equipment and associated technologies.

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before proceeding to Orders of the Day, I should like to draw your attention to the presence in our gallery of Ambassador Eidur Gudnason and his wife Eyglo Helga Haraldsdottir of Iceland. Ambassador Gudnason is the Consul General of Iceland in Winnipeg. They are the guests of Senator Johnson.

Welcome to the Senate of Canada.

Hon. Senators: Hear, hear!

• (1420)

The Hon. the Speaker: I also wish to draw the attention of honourable senators to guests in the gallery who are attending the Spring 2002 Parliamentary Cooperation Seminar. We have with us, from Hong Kong, Mr. Arthur Cheung and Ms Sharon Tong; from the Parliament of India, Mr. Navin Kumar Kalingan and Mr. T.K. Mukherjee; from the Parliament of Jamaica, Ms Heather Cooke and Ms Rosemarie Douglas; and from the Parliament of Scotland, Ms Carol Devon.

Welcome to the Senate of Canada.

Hon. Senators: Hear, hear!

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Finally, honourable senators, I should like to welcome a page, a guest from the House of Commons, Ted Aubut from Halifax, Nova Scotia. He is enrolled in the Faculty of Arts at the University of Ottawa and is studying history and international politics. Welcome.

Hon. Senators: Hear, hear!

ORDERS OF THE DAY

COMPETITION ACT COMPETITION TRIBUNAL ACT

BILL TO AMEND—REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Kolber, seconded by the Honourable Senator Maheu, for the adoption of the sixteenth report of the Standing Senate Committee on Banking, Trade and Commerce (Bill C-23, to amend the Competition Act and the Competition Tribunal Act with one amendment and observations), presented in the Senate on May 2, 2002.

Hon. David Tkachuk: Honourable senators, I have a few remarks to make regarding the Banking Committee report on Bill C-23, a bill that seeks to amend the Competition Act and the Competition Tribunal Act.

I believe that Bill C-23 has received detailed study by our committee. We were not pressed for time. We took a number of weeks in committee to study the bill, and I believe that we should proceed on more legislation in this fashion. Committee members spent many hours in hearings. No witnesses were turned away. There were also many opportunities to meet with the stakeholders, who were able to explain the controversial aspects of the bill.

As our study of Bill C-23 proceeded, a number of factors came to the attention of the committee. While there never was full agreement for specific amendments, it was clear that the disagreement over certain clauses crossed party lines. Further to this, one controversial subject was the airline-specific provisions that exist in the Competition Act itself and how these airline-specific provisions were strengthened by the new clauses to the Competition Act provided by Bill C-23.

To address the committee's concern, committee members decided unanimously to write a letter to the minister responsible, Allan Rock, asking for his guarantee that he or his successor would appear before the Senate Banking Committee in two-years' time to discuss the impact of the amendments on the Competition Act and to discuss further whether other amendments should be made at that time. Although Minister Rock agreed to appear, he would not guarantee that his successor or other members of the government would appear.

The committee decided to not proceed to clause-by-clause consideration of the bill until it received a response from Minister Rock. His letter is appended to the report, along with the committee's letter and a Progressive Conservative observation report. The Liberal members of the committee were fully satisfied with his response. The PC members of the committee decided that his response did not fully address their concerns, so we have written an observation report that is only supported by the Progressive Conservative members of the committee.

In this report, we cover three major points. The first, and what I believe is the most important point, is that the PC senators believe the Competition Act is intended to be a framework law, as it states in its opening clauses. Therefore, it is most important that the government refrain from amending this law of general application by adding industry-specific clauses. Currently, there are airline-specific clauses that are obviously more appropriate to a transportation policy than competition law.

The second major point of the observation report is the necessity to provide Parliamentarians with an opportunity to conduct a regular review of the Competition Act laws. To date, amendments are made on an ad hoc basis, and the PC senators believe that Canada's competition policies would benefit from periodic reviews, perhaps every three to five years.

The third major point made in the observation report has to do with the new provisions of private access for small- and medium-size businesses. The PC senators applaud these provisions but believe they do not go far enough. For this reason, in our observation report, we recommend that two further changes be made: one, that complainants should be entitled to the award of damages; and, two, that the burden to obtain leave should be amended. Senator Oliver, in his speech, will expand on each of these issues.

On a point of interest, while the committee was finishing its study of Bill C-23, the House of Commons Industry Committee issued a report on competition. One of the recommendations in that report was that the government should repeal all airline-specific provisions in the Competition Act.

At clause-by-clause study, one amendment was moved by the Liberals, an amendment purely technical in nature, that brings the French and English versions of the bill into parity. We changed the English version of the bill. PC members of the committee thought it was unusual to amend the bill with such a technical amendment, particularly when the Commissioner of Competition recommended that the bill be passed as soon as possible and that the clause in question merely be not proclaimed until it can be corrected in an omnibus bill. Normally, when we make these

amendments, it would be for something that would have significant legal consequences. The PC senators did not see it in this bill and thought it would be very appropriate to be dealt with by an omnibus piece of legislation. The Liberal members disagreed, moved an amendment and changed the bill, causing it to be sent back to the House of Commons.

I will end my comments by saying that, overall, we support the philosophical reason for the bill; that is, the need to prevent a monopoly situation in the country in regard to the airlines. We fully support other provisions. We think this is perhaps not the appropriate place to do it and hope that the government will take action in the future to correct this situation.

Hon. Nicholas W. Taylor: Honourable senators, if there is some time, may I ask the honourable senator a question?

The Hon. the Speaker: Will you take a question, Senator Tkachuk?

Senator Tkachuk: Yes.

Senator Taylor: Honourable senators, my question is with regard to competition from foreign airlines within Canada. Is that issue within the ambit of the bill? Did the committee have a chance to look at it?

Senator Tkachuk: Honourable senators, that was not a great concern of ours in the bill. We talked about that a little bit. Minister Collenette was there. He was very clear that, until the Americans decide to allow Canadian domestic carriers to operate freely in the United States, there seems to be no reason to allow American carriers to fly in Canada.

Senator Taylor: The honourable senator's answer is interesting. That is what I hear all the time. Has anyone asked the Americans whether they wish to have competition, or have we presumed that they do not?

Senator Tkachuk: Honourable senators, Minister Collenette made it clear in committee that the government asked the Americans, but it is not on the table for the Americans. They do not want to discuss it.

Hon. Donald H. Oliver: Honourable senators, I should like to add my concurrence to the remarks made by Honourable Senator Tkachuk. I do not think that the Senate should ever be afraid of doing its job and, where necessary, taking the legislative steps to improve legislation. As Senator Tkachuk has said, the Competition Act, per se, is framework legislation. Regretfully, this framework legislation has now had clauses added to it that deal specifically with Air Canada and with the airline industries. It has clauses that do not cover all companies in the same class. This taints the framework competition legislation and, as a body of sober second thought, it behooves us to carefully look at such a conundrum and, where possible, to correct and change it.

The Standing Senate Committee on Banking, Trade and Commerce reviewed Bill C-23 carefully. It heard a number of witnesses, and some of them more than once. It has had extensive research done on a number of important proposed sections in that bill.

One thing that is apparent to any casual observer is that the position of the government with respect to framework legislation such as the competition bill is not clear and coherent. As one example, the Industry Committee in the other place has been studying this framework legislation for more than two years and, not surprisingly, observed that the legislation has been encroached upon by the inclusion of industry-specific clauses. This is contained in proposed section 104.1 of the Competition Act, which I will deal with later.

As honourable senators know, members of the Industry Committee appeared before the Standing Senate Committee on Banking, Trade and Commerce to discuss a report that they released at the same time that the Senate Banking Committee was reviewing the controversial clause. After two years of intensive study, the House of Commons committee recommended — and I quote:

That the Government of Canada repeal all provisions in the *Competition Act* that deal specifically with the airline industry (subsections 79(3.1) through section 79(3.3) and sections 79.1 and 104.1).

• (1430)

The recommendation of the House of Commons Standing Committee on Industry, Science and Technology to the Government of Canada is that it repeal all those provisions in this framework legislation.

The Liberal-dominated Industry Committee feels that the framework legislation in its present form is inadequate and inappropriate. One must ask, if the Liberal-dominated Standing Senate Committee on Banking, Trade and Commerce is moving amendments to send the bill back to the House of Commons, why it does not also add an amendment to include this important aspect of the bill's legislative history that has received much attention from the Liberal-dominated Industry Committee in the House of Commons? One cannot help but wonder who is calling the shots and why defective legislation is not being corrected as recommended.

We had evidence from Professor Wong to the effect that if section 104 were deleted and section 103 remained, it would give the Commissioner of Competition virtually all the powers he would ever require to deal with the activities of a dominant carrier on issues such as predatory pricing.

With your leave, honourable senators, I should like to say a few more things about the controversial section 104, so the position of the PC party can be clearly understood by Canadians.

For the most part, the Competition Act has been a generic economic framework law. The same competition rules apply to all business sectors.

Some two years ago, this changed for one particular sector — the airline industry. When Air Canada acquired Canadian Airlines, the government responded with a series of initiatives, including amendments to the Competition Act. Changes were made to the abuse of dominance provisions of the act and the

Commissioner of Competition was given the power to use a temporary order or injunction against an airline alleged to be abusing its dominant market position. This temporary order power is found in section 104.1 of the Competition Act.

The merits and implications of section 104.1 were debated when first proposed in the year 2000. Evidence presented at recent Senate Banking Committee hearings on Bill C-23 has rekindled the debate and highlighted what many believe are inherent inequities in the provision. Furthermore, the perpetuation of provisions such as section 104.1 of the Competition Act that apply to one specific industry, and indeed one particular company — Air Canada — raises a more fundamental concern about the role of general framework laws in our economy.

Honourable senators, let me be more specific about why section 104.1 is particularly odious and should be removed from the Competition Act.

Under section 104.1, the Commissioner of Competition can issue a temporary order prohibiting an airline from engaging in conduct that could, in the opinion of the commissioner, constitute an anti-competitive act under the abuse of dominance provisions of the Competition Act. The following conditions must be met:

(a) the Commissioner has commenced an inquiry...

(b) the Commissioner considers that in the absence of a temporary order

(i) injury to competition that cannot be adequately remedied by the Tribunal is likely to occur, or

(ii) a person is likely to be eliminated...suffer a significant loss of market share, suffer a significant loss of revenue or suffer other harm that cannot be adequately remedied by the Tribunal.

The commissioner is not required to notify anyone or receive any representations before making a temporary order under section 104.1. A temporary order can last up to 80 days, but the airline against which the order is made can apply to the Competition Tribunal to have the order varied or set aside.

Clause 13.1 of Bill C-23 would amend section 104.1 by giving the Competition Tribunal authority to extend the commissioner's temporary order until the Competition Bureau has had enough time to receive and to review information relating to the case.

It is my view that section 104.1 vests too much power in the commissioner. There is no judicial oversight at the time the temporary order is issued. The commissioner is not required to justify his position to an impartial arbiter. As far as the Canadian airline industry is concerned, the commissioner is the investigator, the judge and the jury when it comes to the issuing of a temporary order. Consequently, section 104.1 sacrifices respected tenets of our judicial system, most notably accountability and impartial review, for expediency.

Honourable senators, some may argue that section 104.1 is necessary because it allows the commissioner to act quickly to stop alleged anti-competitive conduct. This may be so, but Bill C-23 will provide the commissioner with an equally effective alternative for dealing with abuse of conduct. Under proposed section 103.3 of the Competition Act, the commissioner will be able to apply to the Competition Tribunal for an interim order on an *ex parte* basis, without notice.

The proposed section 103.3 process, which is of general application to all business sectors and not specific to any one industry, will be expeditious. Witnesses appearing before the Standing Senate Committee on Banking, Trade and Commerce estimated that it would take only two or three days to obtain an interim order from the tribunal.

Proposed section 103.3 will allow the commissioner to achieve the same objectives as section 104.1 by proceeding before the tribunal. However, there will be two notable advantages to the proposed section 103.3 process. First, it will serve as an important check on the commissioner's power because the commissioner will have to demonstrate to the tribunal why an interim order should be issued. Second, it will enhance the accountability of the commissioner.

It is important to mention that Air Canada unsuccessfully challenged section 104 in the courts. In deciding to hear Air Canada's appeal to a decision of the Competition Tribunal, even though the temporary order in question had expired, the Federal Court of Appeal stated the following, among other things, and I quote:

The appeal raises important questions about the role played by the Tribunal in reviewing the exercise of the Commissioner's powers that should be settled sooner rather than later. The power to issue temporary orders is important both to the Commissioner's ability effectively to protect the public interest in competition among domestic air carriers, and to the interest of Air Canada in carrying on its business without undue hindrance and uncertainty about the ground rules within which it must operate. Moreover, the economic health of air transportation in Canada is a matter of considerable concern to millions of Canadians.

I agree with the premise underlying these statements, that is, that a temporary order power is important to effectively protect competition. My concern, however, arises from who issues the order — the commissioner or the tribunal.

The Competition Act must provide authority for an expeditious process for issuing interim orders. It is my view that this authority should rest with the tribunal rather than with the commissioner. At the time the commissioner issued a temporary order that was the subject matter of this court case, he did not have proposed section 103.3 at his disposal. Perhaps the court might have been less sanguine about section 104.1 if proposed section 103.3 had been available to him at that time.

I have already mentioned that section 103 will allow the commissioner to apply to the Competition Tribunal for an interim order on an *ex parte* basis, without notice, to prevent the

continuation of a broad range of anti-competitive conduct on all business sectors, not just the airline sector. In essence, proposed section 103.3 extends airline industry-specific power found in section 104.1 to all economic sectors but requires the commissioner to go to the tribunal for an order rather than issue the order himself.

It is my position, and the position of a number of witnesses who appeared before the Standing Senate Committee on Banking, Trade and Commerce, including the Canadian Chamber of Commerce and noted competition law expert Mr. Stanley Wong, that proposed section 103.3 make section 104.1 redundant in the legislation. One witness noted, and I quote:

Bill C-23, with the addition of clause 103.3, which provides the Commissioner with the power at the outset of his investigation to obtain an emergency interim injunction, provides him with the tools of general application that could be used to address and prevent anti-competitive behaviour in any industry.

• (1440)

It is evident that proposed section 103.3 will give the commissioner the necessary tools to protect the public interest in competition in the airline industry and to act quickly to prevent anti-competitive conduct by a dominant air carrier.

Some witnesses have expressed concerns about the wording of proposed section 103.3. Mr. Stanley Wong, for example, argued that the wording of both that section 103.3 and section 104.1 is flawed and recommended that existing section 100 of the Competition Act should be transformed into a general injunctive power. While I share these concerns, it is my view that proposed section 103.3 is preferable to section 104.1 because it allows the commissioner to act quickly when the need arises, and he has the added benefit of judicial oversight.

Clearly then, with the introduction of proposed section 103.3, there is no need for the temporary order power to continue to reside with the commissioner alone. Section 104.1 could be removed from the Competition Act without compromising the commissioner's ability to prevent the continuation of anti-competitive conduct, and that, honourable senators, is precisely what the Industry, Science and Technology Committee in the other place concluded as well.

It is also worth noting that retaining section 104.1 of the Competition Act along side proposed section 103.3 may raise concerns that go to the very independence of the office of the commissioner. Retaining section 104.1 could give rise to allegations that the commissioner may be biased against a particular airline if the commissioner chose to proceed against the airline under section 104.1 when the same type of remedy was available through the tribunal where he would have to give notice, not *ex-parte*, under the general interim order power of section 103.3. If the commissioner were to act under section 104.1, he could be placed in the difficult position of having to defend his actions against allegations of bias and abuse of power himself.

Parliament intended, honourable senators, that the Competition Act would be an economic framework law of general application, much like such framework laws as the Bankruptcy and Insolvency Act and the Canada Business Corporations Act. These laws establish a uniform and consistent approach for all industries in Canada.

In 2000, this changed with the passage of airline industry amendments. Today, Bill C-23 is further eroding the Competition Act's position as a general framework law. Amendments to section 104.1 and a proposed new \$15 million administrative monetary penalty applying only to a dominant air carrier are making the act more industry specific.

Witnesses questioned the appropriateness of an administrative monetary penalty directed at one company, Air Canada. One noted that administrative monetary penalties may indeed be appropriate remedies for reviewable matters under Part VIII of the Competition Act, but such penalties should be studied before they are proposed in legislation and not implemented to penalize one particular company.

A number of witnesses who appeared before our committee argued that industry-specific provisions have no place in a law of general application, and I agree with that proposition.

The Hon. the Speaker: Honourable Senator Oliver, I regret to advise that your 15 minutes have expired.

Senator Oliver: I have only one paragraph left.

The Hon. the Speaker: Is leave granted, honourable senators?

Senator Robichaud: Honourable senators, I propose that Senator Oliver be allowed to finish his remarks.

Hon. Senators: Agreed.

Senator Oliver: Thank you. Honourable senators, I was attempting to explain to you that there were a number of witnesses who appeared before the Standing Senate Committee on Banking, Trade and Commerce on this important piece of framework legislation. The witnesses raised a number of troubling and difficult aspects and concerns about this legislation. The difficulty we have is that the Liberal majority on the Banking Committee proposed one amendment, and that one amendment was a clerical amendment. Before the committee, there had appeared the Chairman of the House of Commons Industry, Science and Technology Committee that studied this particular legislation and these problems for two years. As a result of their study, they made recommendations for improvement and enhancement of this framework legislation that we feel should also go back to the House of Commons at the same time as the other Liberal amendments so that this bill can receive the kind of amendments it deserves and needs in order to be good framework legislation.

I wanted to bring those remarks to honourable senators' attention as this bill is reported from committee.

Hon. Lowell Murray: Honourable senators, I could make a speech, or, with leave, I could put a brief question to the honourable senator.

Senator Oliver: Please, although I would also like to hear a speech first.

Senator Murray: Honourable senators, my friend quoted with approval the recommendation of the Commons Industry, Science and Technology Committee to the effect that those clauses of the Competition Act that are industry specific ought to be repealed. Therefore, I will put a brief question to him comprising two parts: First, are the problems that those clauses seek to address real problems requiring a legislative solution? Second, if the legislative solution ought not to be in the Competition Act, where ought it to be?

Senator Oliver: Honourable senators, they are real problems because there is no accountability in the excessive powers that have been given to the commissioner, and they too can perhaps become the subject of abuse and misuse.

Senator Murray: I was referring to the industry problem, the dominant carrier problem identified, and whether that is a real problem that needs a legislative solution. If so, in what statute ought that legislative solution be found?

Senator Oliver: I am glad the honourable senator asked the question, because that is a question that I asked the Honourable David Collenette, Minister of Transport, when he appeared before our committee. My question to him was, do you really think that in framework legislation we should have industry- and company-specific clauses that deal specifically with Air Canada, which is the dominant carrier, with either 68 or 80 per cent market share, depending on whose evidence you believe? I asked whether such sections should not be in transportation legislation, and whether there should not be a new vision for the airline industry in Canada that would contain and deal with the problems we have with competition in the airline industry today. The minister indicated that there was a need for a vision and that, at present, there was not a Canadian airline policy sufficient to deal with these problems. When Air Canada bought Canadian Airlines, it was felt that the significant place to put such a section was in the Competition Act because there was not a place in the Transportation Act to deal with it specifically.

The answer to your question, Senator Murray, is that we need a new vision and a new airline policy, and these sections should be put in that new policy, hopefully in a transportation act.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

The Hon. the Speaker: Honourable senators, when shall this bill as amended be read the third time?

On motion of Senator Robichaud, bill placed on the orders of the day for third reading at the next sitting of the Senate.

FOOD AND DRUGS ACT

BILL TO AMEND—THIRD READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Cook, for the third reading of Bill S-18, to amend the Food and Drugs Act (clean drinking water).—(*Honourable Senator St. Germain, P.C.*)

Hon. Gerry St. Germain: Honourable senators, I am pleased to rise to speak on Bill S-18 and give a condensed form of my remarks. I thank Senator Robichaud for adjourning the debate in my name.

Honourable senators, it is not my intent to burden you with a bevy of statistics about how the volume and the quality of our water has been in decline over the last few decades but to express to you one or two simple yet important points that I believe surround this subject.

I have read what other honourable senators have had to say, and I have been following the general public debate about the safety and quality of our water resource. While I will not get into the debate as to whether water should be labeled as a food, I will say there should be a definitive policy to categorize how water is to be treated within our legislative system. We must qualify what legal authority water, as an essential element of life, is to come under.

• (1450)

We do regulate water to a certain degree under the Department of the Environment. That authority exists to protect our water and its sources from further detrimental actions, namely, polluting forces. Recognizing, as Senator Grafstein did, that more and more Canadian communities are developing water problems, such as we saw in Walkerton, Ontario and in Saskatchewan, perhaps the time has come to put in place some kind of mechanism so that communities can again feel safe about the quality of their drinking water.

As a general rule, I do not believe in creating unnecessary legislation or excessive regulations when ordinary common sense will do. There are far too many regulations in place today, and we never seem to rescind or eliminate those regulations that have no true bearing in today's world.

Clean water legislation has been the subject of debate for quite a while in Canada, probably since the Americans introduced their clean air and water legislation back in the early 1970s. I understand that Health Canada has been drafting legislation for about 20 years. The real reason the federal government never came forward with that legislation was because they feared they would be responsible for providing clean water for everyone. I do not believe that would be the case, but they should ensure that our Aboriginal Canadian communities have clean, safe drinking water. Who really knows how much the tab for that responsibility might be, if they were responsible for that?

Honourable senators, should that fear distract Parliament from putting in place some procedures that would force everyone to stop and think about our treatment of water so that a clean and plentiful supply is in place for future generations? Water is a natural resource and, therefore, requires the involvement of the various levels of government if there are to be any regulations and statutory authorities created.

Bill S-18 proposes that water come under the protective authority of the Food and Drugs Act to determine the regulatory regime that will apply. As I mentioned earlier, I see no harm in including water in this bill, but I would be hesitant to endorse the construction of an onerous regulatory regime for the collection, distribution and use of water. I believe that the various levels of government can reach an agreement on basic standards that would be applicable across the country, and that existing guidelines can be strengthened and enforced without creating and imposing a new layer of regulation and bureaucracy.

This would be the preferable course of action, if at all possible. However, the unfortunate incidents in Ontario and Saskatchewan tell us that governments have not sat down to fix this problem. If enacting Bill S-18, as laid out so well by Senator Grafstein, results in responsibility and common sense being put into the equation, then I think all honourable senators should support this bill and send it to the other place for their reasoned assessment.

Honourable senators, I live in the Fraser Valley where there is no city water supply. The aquifer that services the wells that are located where I reside comes off the glacier on Mount Baker. The aquifer passes through the Fraser Valley, a highly concentrated area of dairy and hog farms. As a result, there has been considerable concern, from an environmental aspect, about the water supply and how various institutions dispose of their waste.

The concentration of our population is along the 49th Parallel, and because of continued urban growth in this area, tremendous concern has developed for the safety and the quality of the water.

Again, I compliment Senator Grafstein and those senators who support Bill S-18 because the issue of water has to be dealt with. We should put more thought into how it should be dealt with, and I look forward to further debate and participation regarding this particular issue.

Hon. Jerahmiel S. Grafstein: Would the Honourable Senator St. Germain take one question?

Senator St. Germain: Yes.

Senator Grafstein: Honourable senator, in the course of my investigation, which was anecdotal and less precise than I would have liked, I came across a story about bad water in the Fraser valley. A colleague advised me, some years ago, about an outbreak of bad water that resulted in a boil water advisory in the Fraser Valley. Some 10,000 to 12,000 people became ill because of that incident. Does the honourable senator recall that event? Could the honourable senator tell us whether the cost of that health problem was ever calculated? An answer to that would give us an indication of the cost to the health system in British Columbia of that incident.

Senator St. Germain: Honourable senators, I vaguely recall an incident that occurred not long ago. I am not certain whether the most recent problem was related to the disposal of waste from these highly concentrated agricultural operations, which are becoming much more efficient in production and are therefore producing more and more waste. There is no question that the geographical layout of the Fraser Valley is such that everything flows from the Hope area down the valley to the ocean, and there is great concern about that.

Honourable senators, I am unable to answer Senator Grafstein's question with any definitiveness. A boil water advisory was in effect at some point, but I cannot recall the exact details of that.

On motion of Senator Robichaud, for Senator Cordy, debate adjourned.

OFFICIAL LANGUAGES

PRIVY COUNCIL VOTE 35—NINTH REPORT OF JOINT COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the ninth report of the Standing Joint Committee on Official Languages (Vote 35 under Privy Council), tabled in the Senate on April 25, 2002.—(*Honourable Senator Maheu*).

Hon. Shirley Maheu: Honourable senators, I rise today to speak to the ninth report of the Standing Joint Committee on Official Languages, which deals with the committee's examination of the estimates of the Office of the Commissioner of Official Languages for the fiscal year ending March 31, 2003. I wish to point out that the tenth and eleventh reports of the committee address issues that arose directly from the committee's examination of the estimates of the office of the commissioner. Therefore, since the three reports are inter-related, my remarks on the ninth report will also apply to the tenth and eleventh reports of the committee.

• (1500)

The tenth report expresses the wish that government consider the advisability of increasing funding for the Office of the Commissioner of Official Languages. The eleventh report proposes that the Office of the Commissioner of Official Languages should undertake a campaign to make Canadians more familiar with the Official Languages Act.

[*Translation*]

The Commissioner of Official Languages, Dr. Dyane Adam, appeared before the Standing Joint Committee on Official Languages on April 23 to present the Commission's activity report in order to undertake an examination of the estimates for projected activities.

[*English*]

As the commissioner said, and I quote:

Preserving language rights is urgent, and to do it we need the right tools. In a structured and consistent manner, my Office must assess the repercussions of draft legislation, programs and policies in all fields, such as the administration of justice in both official languages, Government On-line, immigration, modernization of human resources management, air transportation, health and education, to name just a few examples. To this end, we must expand our research capacity. We need to create a section of auditors responsible for conducting horizontal investigations and providing special studies.

To achieve its mission, the Commissioner of Official Languages carries out investigations, and provides policy advice and information regarding the application of the Official Languages Act.

[*Translation*]

The Office of the Commissioner of Official Languages has had to get involved in a number of contentious cases, including the municipal mergers on the Island of Montreal, the Montfort Hospital and Charlevoix in the east.

The Office of the Commissioner does not merely react and wait until a complaint is made and investigated. It is proactive and it wants to continue to be. For this reason, the committee is proposing, in its eleventh report, that the Office of the Commissioner launch a national awareness campaign to inform Canadians of their linguistic rights, which, unfortunately, are all too often ignored.

The Office of the Commissioner also advises federal authorities on their responsibilities under the Official Languages Act. The Standing Joint Committee on Official Languages is currently reviewing Part VII of the Act. I can assure you that the development of minority communities is far from guaranteed. There are many shortcomings in this regard. This is why I am asking all honourable senators to read the eighth report on the consultation of French-speaking and English-speaking minorities in Canada.

The Government of Canada must demonstrate a firm commitment to minority linguistic communities. The fact that it reiterated its commitment to Canada's linguistic duality in the Speech from the Throne is no coincidence.

Our government has appointed an Official Languages Coordinator, Stéphane Dion. The Committee's hope that the Office of the Commissioner will conduct a national awareness campaign to inform Canadians reflects the government's will. However, all these initiatives cannot be implemented without financial support from our government.

[English]

In conclusion, last year the Standing Joint Committee on Official Languages asked the government to increase funding for the Office of the Commissioner of Official Languages to meet additional needs amounting to \$6 million. The commissioner informed the committee that the budget for her office last year was increased by \$2.4 million and was granted a temporary amount to renew its technological platform. In the view of the Standing Joint Committee on Official Languages, the heavy workload and the expectations placed on the Office of the Commissioner of Official Languages justify the committee's suggestion in the tenth report that the funding of the office be increased by \$4 million.

[Translation]

Hon. Jean-Robert Gauthier: Honourable senators, I ask that the debate on consideration of the ninth report of the Standing Joint Committee on Official Languages concerning Vote 35, the annual budget for the Office of the Commissioner of Official Languages, be adjourned in my name.

The Committee is proposing an increase in the votes for consideration of the bill, but it is doing so in a very special context. Everyone knows that votes requested cannot be increased, but that it is possible to recommend certain essential work.

The Committee believes that improved advertising would help publicize the work of the Office of the Commissioner of Official Languages. This advertising would help make Canadians aware of linguistic duality, language rights and the obligation of federal authorities to serve Canadians in the official language of their choice. Institutional bilingualism and linguistic duality are not about forcing all Canadians to speak both official languages.

In Canada, 19 million Anglophones do not speak French and should be entitled to services from federal institutions in their own language.

The same principle applies to the four million Francophones in Quebec who do not speak English. They too should have access to the services provided by federal institutions in the language of their choice, when and as they wish.

I therefore move that the debate be adjourned, because I would like to speak to this issue at greater length.

Hon. Lowell Murray: May I ask Senator Maheu a question?

[English]

The Hon. the Speaker: Would the honourable senator take a question?

Senator Maheu: Yes, I would.

[Translation]

Senator Murray: Honourable senators, I noticed that the last time the deputy ministers were shuffled, the government was careful in its press releases to identify one of the deputy ministers who was promoted as a Francophone. This act of public relations led me to believe that very few Francophone deputy ministers were promoted during the shuffle.

[Senator Maheu]

Has the Official Languages Commissioner reported on the situation of Anglophone and Francophone deputy ministers?

Senator Maheu: I am not aware of such a study, however the Committee has taken note of what Senator Murray has said.

Francophone deputy ministers are rarely promoted. It is our intention to ask the minister responsible, Stéphane Dion, about this the next time he appears before the Committee.

[English]

The Hon. the Speaker: Honourable senators, it is moved by the Honourable Senator Gauthier, seconded by the Honourable Senator Fraser, that further debate on the motion be adjourned until the next sitting of the Senate, for the balance of Senator Gauthier's time.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

An Hon. Senator: No.

Motion agreed to, on division.

BUSINESS OF THE SENATE

Hon. E. Leo Kolber: Honourable senators, I request leave to revert to item No. 5 under Reports of Committees.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): It should be at the end of the Orders of the Day.

The Hon. the Speaker: It is indicated that it would be appropriate to ask for leave at the end of Orders of the Day.

• (1510)

STUDY ON ROLE OF GOVERNMENT IN FINANCING DEFERRED MAINTENANCE COSTS IN POST-SECONDARY INSTITUTIONS

REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

On the Order:

Resuming debate on consideration of the ninth report of the Standing Senate Committee on National Finance (study on the role of the government in the financing of deferred maintenance costs in Canada's post-secondary institutions), tabled in the Senate on October 30, 2001.—(*Honourable Senator Kinsella*).

Hon. Lowell Murray: Honourable senators, this item is in consideration of the ninth report of the Standing Senate Committee on National Finance, the study on the role of the government in the financing of deferred maintenance costs in Canada's post-secondary institutions.

Now is not the time for me to enter into a lengthy discussion of the many problems and challenges facing post-secondary education in this country. In any case, I would be far from the best qualified person here to do that. Suffice to say that Canadians expect that their post-secondary educational institutions will be places of academic excellence and places where academic excellence will be rewarded. At the same time, they want university education to be available to everyone regardless of economic circumstances. They want their post-secondary education institutions to contribute to some understanding of the economic and social problems facing the country and to our cultural life. They want their universities to impart the knowledge and skills that young Canadians need to make a life and make a living in today's economy.

These considerations and many more make up what one might call the great expectations that Canadians have of higher education. The challenges are truly formidable for the governors of universities, the administrators, the professors and the students, especially facing a situation in which there will be an anticipated 20 per cent increase in enrolment during this decade. These people at our universities have to fight and argue for a share of attention and resources, public and private, to enable them to confront the challenge successfully.

When I say "public and private," it is useful to note, 55 per cent of post-secondary institution revenues come from the various levels of government, 19.3 per cent from student fees, and the rest from various private contracts and private sources.

The Senate addressed one part of this challenge — that is, the problem of deferred maintenance costs in Canada's post-secondary institutions and the role of the government in financing these costs. I think we can take some satisfaction and the post-secondary education community can derive some hope and confidence in the thoroughness of the study and the debate that took place here, and in the realistic and practical recommendations that the committee chose to highlight.

Honourable senators know that maintenance of the existing plant and equipment is not a very sexy subject for politicians. It is not a very attractive cause for governments or for private sector donors, who, as Senator Bolduc pointed out during the debate, would far rather be associated with ribbon cuttings of new institutions or with endowing chairs in one or another of the academic disciplines.

Nevertheless, keeping the plant in decent repair is a vital issue. As Senator Moore told us on March 20, 2001:

If we are to enjoy the benefits of a first-class education system, we must be prepared to support that system, and support entails investment in everything from high-speed data links to roofs that do not leak.

Roofs that do not leak: We heard a lot about that during our committee deliberations. During the 1990s, governments reduced funding levels of post-secondary educational institutions. Rather than cut back substantially on courses, on professors or on

students, many universities deferred spending on maintenance. The wisdom of that may well be questioned and we did question it. However, dubious as the practice may be, it is a fact that it happened, with the results that we know about. The Canadian Association of University Business Officers has estimated that the accumulated cost of deferred maintenance in our institutions is as high as \$3.6 billion — this at a time when the universities already have to invest in expensive new learning technologies and at a time when they are confronted with this projected 20 per cent increase in enrolment and the consequent need for expansion of physical facilities.

This is a very serious problem. I think that honourable senators in this chamber, the post-secondary education community and the country owe a debt to Senator Moore, who has been the prime mover of this undertaking by the Senate. Those who are interested in how the Senate works might find it instructive to trace the evolution of this debate over a period of time. Senator Moore started with a Notice of Inquiry that he would call the attention of the Senate to the emerging issue of deferred maintenance costs in Canada's post-secondary education institutions. He spoke on March 20, 2001, outlying and defining the problem clearly. He was followed in that debate by our former colleague Senator DeWare, and by Senators Callbeck, Meighen, Andreychuk, Joyal, Gauthier, Kinsella and Atkins, the latter of whom had chaired a round table on post-secondary education for the Conservative Party last June.

The list of senators who participated in the original debate — the list I have just read — is a list of people who have quite direct knowledge and experience of the problem. They are university professors and administrators, university governors, former federal and provincial ministers, all of whom spoke with a background, not just of obvious concern, but of some knowledge and experience in these matters.

In June, Senator Moore obtained support for a motion to instruct the Standing Senate Committee on National Finance to examine and report on the role of government in the financing of deferred maintenance costs in Canada's post-secondary institutions. When we returned last September, the committee devoted four meetings and heard 15 witnesses on this reference. I tabled the report on October 31 last.

Let me say a word about the recommendations. In a general way, I should tell honourable senators that we chose to highlight what I think were the most practical and doable ideas presented to us in the course of our hearings. We were at some pains to acknowledge the fiscal situation facing all governments. While that situation has improved in recent years, the fact of the matter is that, at the federal level, the debt is still at a level where I do not think any of us can say that we are completely out of the woods.

• (1520)

Second, it bears repeating that this is not a problem in respect of which the federal government should take total ownership. I quite agree that the federal cutbacks in the 1990s were greatly responsible for the financial stringencies that some of the provinces and all of the universities had to face. Nevertheless, it is an area that demands the cooperation and collaboration of both levels of government.

Of the seven recommendations that we put forward, the two that I regard as the most promising are those that adopt the approach of the federal Infrastructure Program. One recommendation was a plan put forward by the Association of Universities and Colleges of Canada and by the Canadian Association of University Business Officers, calling for a new infrastructure program targeted to the elimination of the accumulated deferred maintenance problem at post-secondary institutions. Their plan would involve a total of \$3 billion to be shared 40 per cent each by the federal and provincial governments and 20 per cent by the universities.

A somewhat different version of the same idea was to make universities eligible under the present Infrastructure Program. The total amount available might be increased and universities would be made eligible to take part in that program on the same basis that municipalities currently do. This would probably require the consent of the provinces. It is a very simple idea and do-able.

Another model to be considered is that provided by the Medical Equipment Trust Fund. In 2000, the federal government announced that \$1 billion would be made available to enable provinces and hospitals to purchase medical equipment. The provinces determine the priorities, and the money is distributed by the federal government, on a per capita basis, across the country.

There were other recommendations involving the tax system and the use of the Canada Mortgage and Housing Corporation as a mechanism to re-mortgage some of the institutions and provide the funds for attacking this deferred maintenance problem.

The recommendations were practical and realistic. The debate on the report involved Senator Moore, Senator Bolduc, Senator Banks, Senator Callbeck and Senator Morin.

I conclude by saying that the Senate and its committee have canvassed this issue thoroughly. It is an urgent problem. We have identified practical solutions based on existing programs, the parameters of which are well known to the government. We have identified solutions that do not require extensive analysis or study. We have identified solutions that will not break the bank and are well within the fiscal capacity of the federal government. These solutions do require political will.

Honourable senators, we have done our part on this quite serious issue. At the behest of our colleague, Senator Moore, with whom I am happy to be associated in this undertaking and this motion, I move, seconded by Senator Moore, that this report be adopted.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon Senators: Agreed.

Motion agreed to and report adopted.

[Senator Murray]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I would yield to Senator Moore, but when we conclude this particular item I will move the adjournment of debate, having held the adjournment of the debate on the main motion.

Hon. Fernand Robichaud (Deputy Leader of the Government): I am at a loss as to where we are in relation to this item. I thought the debate was concluded because the question was put and the motion was adopted. Are we agreeing now that Senator Moore and Senator Kinsella should speak to the topic? I am seeking direction from the Chair.

The Hon. the Speaker: The honourable senator is quite right. I put the motion, Senator Moore seconded it, and it was passed. We would require unanimous consent to return to the motion to debate it further.

Is it your wish, honourable senators, to do that? Is it agreed that we withdraw the approval of the report on which we just voted?

Senator Kinsella, Senator Murray moved a motion, and I put the motion and paused, but obviously not long enough. The matter was voted, and the motion was adopted.

Hon. John Lynch-Staunton: That is the end of that, then.

The Hon. the Speaker: I have asked if there were a willingness to return to the motion with unanimous consent. I have a "no" from the senator on my right. Accordingly, there is no unanimous approval to return. Therefore, we will now go on with the Order Paper.

NATIONAL CAPITAL COMMISSION

PROPOSAL TO SELL MOFFATT FARM— INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cools, calling the attention of the Senate to:

- a) to the public's need for the Senate and the Parliament of Canada to take into their cognizance the current conflict between Ottawa residents with their Ottawa City Council and the National Capital Commission regarding the National Capital Commission's proposal to re-zone a riverfront parkland to build a 244 dwelling housing development on that riverfront parkland, a matter well reported in the media;
- b) to the national capital parkland known as the Moffatt Farm, a riverfront parkland on the heritage waterway, the Rideau River, at Mooney's Bay, near the entrance to the Hog's Back Locks, all of which form a part of the ancient and historic Rideau Canal and the Rideau Canal Waterway System, a parkland which for decades has been held by the National Capital Commission as a commissioned public trust for its protection for the public good and for the public use;

c) to the meaning in law of a commission, being that a commission is a public body with a public purpose, authorized by letters patent, an act of parliament, or other lawful warrant to execute and perform a public office, and further, that the National Capital Commission is no ordinary entity, or no simple arms length crown corporation but is a commission a peculiar constitutional entity, intended to perform a public duty;

d) to the current land use designation zoning of Moffat Farm which is zoned as parkland, as are other Ottawa national capital parks such as Vincent Massey Park and Hog's Back Park, parklands whose maintenance and sustenance are of great importance and concern to Ottawans;

e) to the National Capital Commission contracted agreements with private developers, including that one with DCR Phoenix, regarding the sale for development of the parkland, Moffatt Farm, to the same DCR Phoenix, a private developer currently acting as the National Capital Commission agent before Ottawa City Council and the Ontario Municipal Board in proceedings about the National Capital Commission proposed re-zoning of Moffatt Farm from parkland zoning to residential zoning so as to permit the National Capital Commission's sale of this parkland to private developers;

f) to Ottawa City Council's unanimous decision, on March 27, 2002 rejecting and soundly defeating the National Capital Commission/DCR Phoenix's proposal for re-zoning and development of the Moffatt Farm parkland, to the city government's strong objection to the proposed development, being the building of 244 expensive, luxurious high end houses on the Moffatt Farm parkland, a parkland also known for its environmentally sensitive lands;

g) the responsible ministry's and the National Capital Commission's own protocol that holds that the National Capital Commission should defer to municipal government on planning issues and land use;

h) to another motion overwhelmingly adopted by Ottawa City Council, on April 10, 2002, expressing the City's wish to purchase the Moffatt Farm parkland, also asking the National Capital Commission to honour City Council's decision and also to withdraw its own appeal to the Ontario Municipal Board asking the Ontario Municipal Board to overturn City Council and force the re-zoning of Moffatt Farm from parkland zoning to residential zoning;

i) to that same City Council motion of April 10, 2002, which said:

"WHEREAS the Moffatt Farm has been in public ownership for the past 50 years, since its expropriation, and has, until 1999, been designated a Capital Park by the National Capital Commission;

AND WHEREAS the NCC has determined that this property is surplus to national needs and intends to sell it;

AND WHEREAS the Moffatt Farm is outside the General Urban Area, and designated as Waterfront Open Space in the Regional Official Plan, which is land in, or intended to be in, public ownership and intended for public recreation and environmental conservation uses;

AND WHEREAS the Moffatt Farm has no 'right of development' at this time, being designated Major Open Space, Waterway Corridor and Environmentally Sensitive Area, zoning that offers the highest possible protection;

AND WHEREAS, in the Ottawa Official Plan, the Moffatt Farm is designated as a District/Community Park, a use identified in the 1973 Carleton Heights Secondary Plan as a means to address inadequate parkland for this area of the City;

AND WHEREAS, since 1973, the population of this community has doubled and available parkland has already decreased;

AND WHEREAS the City of Ottawa has a policy to acquire, where possible, waterfront properties that form the Greenway System and preserve these lands for public open space use;

THEREFORE BE IT RESOLVED that the City of Ottawa offer to purchase the entire Moffatt Farm property from the NCC, at a price which will be based on its current and future use as a District Park; and

BE IT FURTHER RESOLVED that the City request the local Members of Parliament (National Capital Caucus) to urge the NCC to respect Council's unanimous decision and withdraw its appeal to the OMB."

j) to the growing public disenchantment and disappointment of Ottawans who perceive the National Capital Commission's corporate culture as running roughshod over Ottawans with wanton disregard for local communities of which the Moffatt Farm community is only one of several which include Lac Leamy, Sparks Street redevelopment and others, all of which have resulted in diminishing public respect for the National Capital Commission and its land use proposals in the national capital area;

k) to the burgeoning public unease about the destiny of Ottawa's precious public lands as many Ottawans are anxious that the National Capital Commission is conducting its affairs in land use matters, more as a private development company and less as a public commission entrusted with Her Majesty's and the public's interest in the proper land use of unique, historical, heritage parklands and properties; and

l) to the public need for Parliament's study and review of the National Capital Commission in its entirety, including its role, structure, organization, operations, authorizing statute, its parliamentary appropriations, finances, and its relations with Canadian citizens, especially Canadian citizens living in the Ottawa area, its land dealings, its land developments, and its agreements with private developers selected by the National Capital Commission as recipients, buyers, of treasured historic lands.—(Honourable Senator Kinsella).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I would like to make a few remarks with reference to this matter, now before the Senate.

I wish to make six points. I do this not having completed all of the research that I wish to do on the matter.

It relates, honourable senators, to the National Capital Act, which created the National Capital Commission. Prime Minister Diefenbaker introduced that legislation in 1958. There have been some amendments along the way. However, basically the model is 44 years old. By any estimation, a piece of legislation that creates a type of machinery to deal with an item, in this case the National Capital Region, needs to be reviewed. When one goes to the source legislation a number of issues present themselves.

One of the first issues is the principle that all Canadians have a direct interest in the open lands and assets that are looked after by the National Capital Commission.

• (1530)

In other words, the National Capital Commission holds these properties in trust, or on a fiduciary basis, on behalf of Canadians from every part of Canada. They are not managing land and assets and conducting programs for the enrichment of the National Capital Region or for people who are resident in this part of Canada, but rather their mandate, in principle, is to represent and manage on behalf of all Canadians, Canadians from every part of the country.

Therefore, when questions as to decisions that the commission would make are analyzed, if there is a controversy around those decisions, particularly when it comes to the disposition of open lands, it seems that those decisions of the National Capital Commission must be assessed through the lens of whether they are good for all Canadians.

Questions are being raised as to whether or not the original purpose of the National Capital Act has been changed. When we consider that the act was brought in in 1958, perhaps the time has come for Parliament to review the adequacy of this model of legislation.

Furthermore, honourable senators, it seems to me that all of us recognize the socio-economic and, in particular, the mobility dynamics of Canada in the year 2002, where today more Canadians from coast to coast come to the national capital than ever before because of the infrastructure of transportation and the general increased mobility of Canadians. That is a significant change, and it means that, in a real and practical way,

Canadian families from coast to coast are stakeholders in the use of all public lands in the national capital in far greater numbers and in ways not thought of 50 years ago.

Therefore, a decision of the National Capital Commission relating to the disposition of these public lands affects, in a very real, hands-on way, individual Canadian families from across the country who come to the national capital area more frequently and more often. The section in the National Capital Act dealing with the sale of public lands held in trust for all Canadians needs to be looked at it relates to its adequacy to deal with this changed Canada of ours.

It seems to me, we require a provision for a recall mechanism. Section 10(2) of the act, which gives the power to the National Capital Commission to sell lands held in trust, could be amended by Parliament to provide for a review mechanism by Parliament or a parliamentary committee upon the receipt, for example, of 1,000 signatures of citizens from any part of Canada.

As well, the section of the act that gives the authority to the cabinet to overturn any decision by the NCC to not sell land should also apply to any decision to sell land. There is a provision in the act which provides that cabinet can override a decision of the NCC to not sell land, and I would suggest that the same provision should apply to the sale of land.

The National Capital Commission, in my view, honourable senators, should not be selling assets to private developers if the purpose of doing that is for the NCC to offset ongoing costs of the commission. If the NCC needs money for its operations, it, like any other agency or ministry, should bring its case to Parliament. It should not be out selling assets to generate funds to do that.

In a publication called *A Place for Canadians: The Story of the National Capital Commission*, by Greg Gyton, I found, at page 114, an interesting line which reads as follows:

Driven by the need to make ends meet, the NCC negotiated some bold deals...

Should the NCC, indeed should any agency of the Crown, in order to make ends meet, be out negotiating away assets — in this instance, assets that are held in trust for all Canadians?

The matter that drew my attention to this need for a review by Parliament is the proposition regarding a piece of property, public, open lands known as the Moffat Farm, which is on the bank of Mooney's Bay along the Rideau Waterway. I went out of my way to walk that land recently so I would have a sense of the lay of that land and have some personal experience of the beauty of the piece of property in question.

The proposition, as I understand it, and I have not completed the study, is that the NCC will transfer that property, or part of it, and that it will be used for a housing development. That kind of decision does nothing for Canadians from New Brunswick who come to the National Capital Region and who would want to sit along the banks of the Rideau waterway. It seems this is a classical example of something wrong with the NCC being placed in the situation that they are forced to sell assets in order to make ends meet. There is something wrong there that needs to be examined.

Honourable senators, the NCC has appealed the decision of the City of Ottawa not to rezone the Moffat Farm land to make it available for uses other than park use. The NCC has made an application to the Ontario Municipal Board appealing that decision of the City of Ottawa. I would urge honourable senators to support the view that the NCC should withdraw that application before the Ontario Municipal Board, and to do so forthwith.

Honourable senators, as I indicated, I have not completed my work on this, but I thought it of some urgency to say what I had to say this afternoon.

I move the adjournment of the debate.

The Hon. the Speaker: Will Senator Kinsella take a question?

Senator Kinsella: Yes.

Hon. Herbert O. Sparrow: Can the honourable senator tell us how and when the land was obtained by the National Capital Commission? Was it purchased by the federal government through monies advanced to the National Capital Commission, or was the property donated to the Government of Canada by the Canadian people?

Senator Kinsella: I am afraid I cannot answer the question.

Senator LeBreton: It was expropriated.

Senator Kinsella: It might have been expropriated. The land base of the National Capital Commission has been acquired in a variety of ways. I will get back to the honourable senator with a verifiable answer.

Hon. Nicholas W. Taylor: I particularly liked the point made by the honourable senator that what is in Ottawa belongs to all Canadians, whether from New Brunswick or Alberta. That is important. I do think we should be able to throttle this proposal somehow or another. How can the Senate shut it down?

• (1540)

Senator Kinsella: Honourable senators, the Standing Senate Committee on National Finance will have an opportunity to meet with and hear from the Chairperson of the National Capital Commission, who is scheduled to appear before the committee on June 11. I would encourage all honourable senators to read a copy of the act and reflect upon whether a bill that was legislated in 1958 can deal with the changed world and involve Canadians travelling the way that we do.

Honourable senators, we know from experience in our own communities that zoning and other related issues could become complex. In this instance, I am trying to speak to the larger framework issue. If properties are being disposed of as a source of revenue for an agency, there is something wrong in principle. Once the open lands are gone, if they are used for commercial or other purposes, then they will not be available for Canadians from the other provinces and territories who come to Ottawa.

Senator Taylor: Coming from a province that will sell anything that is not nailed down, I am interested in knowing how to go about it.

The Senate is not supposed to be able to pass a money bill. Someone might argue that because they are not receiving money, this is not a money bill. Has action been initiated in the other place to stop this, or is this matter strictly before the Senate?

Senator Kinsella: We have to thank the Honourable Senator Cools for having allowed the Senate to apprehend the issue. I have just begun my examination of it. The fact that we are looking at the kinds of issues raised in our debate may be helpful in and by itself. At some point, Parliament will have to look at the legislation because it is probably outdated, whether initiated by a member of the Senate or of the other place.

On motion of Senator Kinsella, debate adjourned.

REDISTRIBUTION OF SEATS IN HOUSE OF COMMONS

INFLUENCE OF 2001 CENSUS—INQUIRY— DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Murray, P.C., calling the attention of the Senate to certain issues related to the redistribution of seats in the House of Commons subsequent to the decennial census of the year 2001.—(*Honourable Senator Stratton*).

Hon. Terry Stratton: Honourable senators, I rise today to speak to Bill C-441 which, if passed, would change the names of fourteen electoral districts in Canada. This process would be done pursuant to the 1985 Electoral Boundaries Adjustment Act.

I am concerned about a bill of this nature coming to us at a time when Canada's electoral boundaries will undergo significant readjustment pursuant to the last census. It seems decidedly inappropriate, especially in Ontario where provincial and federal electoral boundaries coincide —

The Hon. the Speaker: I see Senator Robichaud rising.

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, we are now at Item No. 43 of the Orders of the Day. I thought I heard Senator Stratton speak to Bill C-441, which has already been stood.

[*English*]

The Hon. the Speaker: Honourable senators, I was not paying enough attention myself. Could I ask the Table to tell the house the order number for Bill C-441?

Senator Stratton: Senator Robichaud is correct.

The Hon. the Speaker: Honourable senators, has Bill C-441 passed?

Senator Stratton: Honourable senators, it is my error and it is not Bill C-441. However, I am speaking to Inquiry No. 43, which is at day 15. I request leave to rewind the clock to allow me to speak.

I should like to speak to this item because of my concern, especially in Ontario where provincial and federal electoral boundaries coincide, to proceed with changes to constituencies that may be significantly changed pursuant to redistribution. I wish to speak to this matter at some length after the sessional break. Therefore, I move that debate be adjourned.

On motion of Senator Stratton, debate adjourned.

BANKING, TRADE AND COMMERCE

BUDGET—STUDY ON DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM— REPORT OF COMMITTEE ADOPTED

Leave having been given to revert to Reports of Committees:

On the Order:

Resuming debate on the motion of the Honourable Senator Kolber, seconded by the Honourable Senator Callbeck, for the adoption of the fifteenth report of the Standing Senate Committee on Banking, Trade and Commerce (budget 2002-2003) presented in the Senate on April 30, 2002.—(*Honourable Senator Stratton*).

Hon. E. Leo Kolber: Honourable senators, the last time I rose to speak to this report, I was asked a few questions. I now have the answers that honourable senators were seeking.

The Banking Committee had requested \$383,000. The Internal Economy Committee is proposing \$122,000, or 32 per cent of the amount requested. I should point out that it is under the heading "Transportation and Communications" that the largest reduction occurred. The committee's request under that heading has been reduced by over 90 per cent, or \$258,000. This reduction is the result of the following.

The committee was planning to travel under its study of the WTO and financial services. However, because of the collapse of Enron in the United States and its impact on financial systems across the world, your committee has decided to postpone its study on the WTO in favour of a study on the Canadian perspective of the Enron collapse. The committee will look into Canadian accounting practices, securities regulations and governance systems to ensure that the circumstances that led to Enron's collapse do not occur in Canada.

The present allotment of funds would be sufficient to begin the committee's study into Enron. We would review our budget application with respect to travel by the committee. I expect that at some point during our study, most likely next fall, it will become necessary for the Banking Committee to travel to Washington and perhaps to New York so that it may fully explore the issues surrounding Enron. The budget as approved to this point will only allow for four senators and two staff to travel. I am not certain that it will be sufficient, so we may need to request additional funds in the future.

• (1550)

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I have a question for the Chairman of the Standing Senate Committee on Banking, Trade and Commerce.

I am interested to hear that the committee will be undertaking a study of Enron from the Canadian perspective. However, I would have preferred to hear that the committee is planning a study on Nortel, which has suffered a similar disaster for its shareholders and employees and which, unfortunately, has not been subjected to the same kind of investigation Enron has. As soon as Enron collapsed, five or six congressional and senatorial committees were struck; as well, the auditors are now before the courts.

Here in this country, we had a major collapse. Nortel is probably the second most widely held stock in Canada, assuming that Bell is the most widely — held. Many people received Nortel shares as the result of a dividend. Nevertheless, as far as I know, no public hearings are planned, although there may be a class-action suit.

I should think that the Banking Committee is ideally positioned to focus on Nortel in this study. It would be studying the same type of subject matter as it will be under the Enron rubric, but it would have more of a Canadian focus, if not an exclusive one.

Senator Kolber: I wish to thank the honourable senator for his question. What the committee will be studying is what I and some of my colleagues on the Banking Committee refer to as "Enronitis." Enronitis is a disease, and it may be that Nortel suffered from some aspects of that disease. One thing the committee will explore, which will sweep Nortel into the tent, is the use of options and when they can be exercised, a lot of which applies to Nortel. The governance of Enron and why the directors did not know it was going the collapse within months will also be studied. I do not know if our study will necessarily be company-specific; however, I do not know how to avoid it.

We will have to talk about Nortel at some point, so the honourable senator's question is well put, and I am sure we will address it.

Hon. Roch Bolduc: My question is to the Chairman of the Banking Committee.

Regarding the committee's mandate with respect to corporate governance, does the committee intend to look at the compensation of the chief executives?

In Canada, we have the same disease they have in the U.S. Corporate executives and chief executives are becoming greedy in Canada. I am a staunch defender, as honourable senators know, of the market economy and the capitalist system. It is the best and, by far, the most efficient system in the world.

Nevertheless, in the last couple of years people have gone mad. There are now experts on compensation, and these experts generally come from a consulting business. These experts come in and decide on the ideal formula to compensate chief executives.

In the beginning, we heard about executives being remunerated in the range of \$500,000, \$600,000, \$1million, maybe even \$2 million or \$3 million. I can accept that; it is fair. However, no longer are we talking about those amounts; we are now talking, in one case, about \$153 million, and in that case the shares and the profits went down considerably. That is one aspect. In other companies, executives are earning \$25 million or \$30 million.

In Canada, where our businesses are smaller, those amounts are excessive. I do not understand why the judgement of boards of directors is so bad as to accept things like that.

I should like the Banking Committee to look at that, if possible.

Senator Kolber: The committee will look at that issue; I agree that there have been obscene examples. However, the problem becomes how to legislate against it. The committee will need to hold hearings. At this time, I do not have a good answer for the honourable senator.

Remember, with respect to the numbers the honourable senator is putting forward, probably 90 per cent is related to exercising stock options, not just salaries. An individual who has held stock for 25 or 30 years is entitled to those earnings, if they have made the stock grow and the shareholders have made money.

I do not want to get into a huge debate, but there are many aspects of it. There is the question of short-term gains. You are right, and it is on our agenda to study.

Senator Bolduc: The committee should focus also on the responsibility of the board of directors. The chairman has that experience, I have it, as do many of us here.

I have sat on many boards. Sometimes the directors feel overwhelmed by the executives. Not only is the chairman in attendance, but the president is as well, along with all the vice-chairmen. Those people come with expertise. A director who is with an insurance company, or any other type of company, sometimes feels uncomfortable as a board member. A director knows that he or she is there to represent the shareholders.

I do not have any precise answer, but that is what the committee should study. The committee should pay particular attention to financial institutions, which, unlike other institutions, have a public interest mandate. If a financial institution were to collapse, many people in Canada would be hurt.

Senator Kolber: Corporate governance is high on our agenda. As the honourable senator knows, four major studies have been

done on corporate governance, the latest one being the Saucier study.

I have dedicated much time to sitting on boards. It is a many splendoured thing. There are no simple solutions. I suspect that, among other things, the committee will have to look at qualifications respecting board members and whether there should be such a thing as a professional board member. I am convinced that today's board members do not have the time to devote commensurate with their responsibilities.

Hon. Herbert O. Sparrow: Senator Lynch-Staunton made the suggestion that the study be on Nortel rather than Enron, and the Chairman of the Banking Committee responded that perhaps Nortel could be swept into the study. I would be on the side of Senator Lynch-Staunton, in that if the study were on Nortel we could sweep Enron into that. It is important.

My question is the following: Now that this proposal — namely, that the committee study Nortel — has been made, what do we do from here? Where do we go from here? Is the Chairman of the Banking Committee prepared to take this proposal to his committee, discuss the issue there, and bring it back to us here? How would that be handled?

Senator Kolber: Our committee has decided to do the study about the Enron effect, and we will certainly include things like Nortel. That will get swept into the tent.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Would the honourable senator not agree that, before anything can be done in the Banking Committee, there would have to be an order of reference from the Senate? Given that, we will be alert to the sentiment here in the Senate that we want to look at Nortel, and have whatever it is the honourable senator is proposing under the committee's study on Nortel brought in.

Will the Banking Committee be making a motion in the Senate before June for an order of reference?

Senator Kolber: That order of reference exists. It is a generalized one.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

The Senate adjourned until Thursday, May 9, 2002, at 1:30 p.m.

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OFFICIAL REPORT
(HANSARD)

Thursday, May 9, 2002

—
THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Thursday, May 9, 2002

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

TENTH ANNIVERSARY OF WESTRAY COAL MINE DISASTER

Hon. John Buchanan: Honourable senators, today, May 9, 2002, marks the tenth anniversary of one of the worst coal mining disasters in Nova Scotia's history. On May 9, 1992, people awoke to the news that there had been an explosion at the Westray coal mine in Plymouth, just east of Stellarton, Pictou County, Nova Scotia, at 5:20 a.m.

For days, all Canadians and many people throughout the world listened to radios and watched the television hoping that the men who were in the depths of that mine on that early morning would be found alive. That was not to be. Twenty-six miners joined the list of others who have died in coal mine disasters throughout Nova Scotia, mainly in Cape Breton and Pictou County.

Honourable senators, it is important that I mention the serious coal mine disasters that have occurred in our province over the years and the number of miners who have died.

Sixty miners died in a mine explosion in 1873 in Stellarton. Another explosion at a coal mine in Stellarton killed 44 miners in 1880. A total of 125 men died in an explosion at Spring Hill in 1891. Sixty-five died in a Cape Breton coal mine explosion in 1917. Eighty-eight died in the Stellarton coal mine on January 23, 1918. Sixteen died in a Sydney, Cape Breton, mine in 1938, when a cable broke, sending a rake adrift. Thirty-nine died at the mine at Spring Hill, Nova Scotia, in 1956. An explosion at Glace Bay killed 12 miners on February 24, 1979, and other miners have died in other accidents in our collieries throughout the years.

In May 1992, draggersmen from across Nova Scotia and New Brunswick worked tirelessly for days, endangering their own lives, searching for their comrades in the bowels of the earth.

For honourable senators who are not aware, draggersmen are the bravest and the best. It is their perilous duty to venture into the gas-filled remains of wrecked mines and look for survivors, as they did after the Westray explosion. More than a dozen teams of draggersmen from across Nova Scotia and New Brunswick were sent to Westray over the weekend. Working in four shifts, they inched their way through the methane-laced tunnels with oxygen tanks strapped to their backs.

The Hon. the Speaker: Senator Buchanan, I am sorry to inform you that your three-minute time allocation has expired.

Senator Buchanan: Honourable senators, I would seek leave for a few minutes more.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Buchanan: I thank the honourable senators for their indulgence.

Honourable senators, I will read from the Report of the Westray Mine Public Inquiry. The commissioner, Justice K. Peter Richard, wrote:

I would be remiss if I did not comment on the selfless bravery shown by the rescue teams in the days following the explosion. The conditions in the mine were terrifying. The force of the explosion resulted in severe instability within the roof and walls of the mine. Rock falls, of varying degrees of intensity, were almost continuous. Signs of the devastation were rampant, as were signs of impending danger. The poisonous, unbreathable atmosphere and the actively "working" ground surrounding the mine openings, with the attendant grinding and cracking, were extremely stressful. Yet these men, miners trained in mine rescue, each wearing his personal life-support system, went unquestioningly into that perilous environment with the hope of finding some of their comrades alive.

Unfortunately, the rescue efforts, although Herculean and very dangerous, did not result in saving the 26 miners. Fifteen bodies were found and recovered; 11 remain in the mine, their eternal resting place.

The memorial service held shortly thereafter is something that I shall never forget and neither will any of the other people who were present. It is forever etched in our minds. Conversations with the mothers, wives and brothers of the lost miners will always be in my memory bank.

When honourable senators go to Nova Scotia, they must ensure that they visit the memorial that has been set up in Plymouth, next to Stellarton, with the names of the 26 miners. It is a poignant reminder of this terrible disaster that took place 10 years ago.

May God bless the families of those men and hold them in the palm of His hand forever.

• (1340)

[Translation]

FACULTY OF VETERINARY MEDICINE— UNIVERSITY OF MONTREAL

Hon. Jean Lapointe: Honourable senators, I have recently been informed by MP Diane Saint-Jacques of a serious problem being experienced at this time by the University of Montreal's Faculty of Veterinary Medicine, which is located in Saint-Hyacinthe. Given the public health implications of this, it is unthinkable and illogical that the federal government would not intervene immediately in this matter.

It is our responsibility to call loud and clear for the preservation of this Faculty of Veterinary Medicine, as well as several others in Canada, which are also going through a major crisis. The senior levels of our government need to take into consideration that the health of Canadians is inextricably tied to the health of our animals, to a very large extent.

Let us bear in mind the terrible crisis recently experienced by European farmers and consumers. Let us take steps to avoid such a tragedy happening here. It is important that we remain vigilant and take very prompt action in this matter.

[English]

INTERNATIONAL TRADE

UNITED STATES—RENEWAL OF SOFTWOOD LUMBER AGREEMENT—COMMENTS BY MINISTER

Hon. Pat Carney: Honourable senators, I attended the Softwood Summit called by B.C. Premier Gordon Campbell in Vancouver on April 29 to plan B.C.'s response to the huge tariff wall built by the U.S. to impair Canada's \$10 billion softwood lumber exports to American consumers. About half of those exports, or \$5 billion, come from B.C. forests and forest communities. International Trade Minister Pettigrew attended as well, at least in person, if not in spirit. Obviously, his mind was elsewhere. That is the only explanation for his subsequent statement that there have been no direct job losses linked to the tariffs yet. The Liberal minister blamed the job losses on "structural changes" in the industry.

That certainly was news to British Columbians who have been laid off or working part-time, or whose job security has been threatened since the last agreement ran out in March of 2001.

His statement sparked anger and disbelief in British Columbia, where casualties in the softwood trade war are estimated at about 19,000 so far. Rick Doman, Chief Executive of Doman Industries on Vancouver Island, has laid off about 2,000 people, mainly because of the softwood lumber duties. One visible result is the empty storefronts and office for-rent signs among the famous murals in the pretty sawmill town of Chemainus.

On May 2, as honourable senators know, the International Trade Commission confirmed duties averaging 27.22 per cent and rising to as much as 31 per cent in British Columbia. Honourable senators, their reasons will be made public in a report on May 16, and the Department of Commerce will publish the anti-dumping and countervailing duty orders by May 23 of this year.

Clearly, Minister Pettigrew never heard Premier Campbell tell the industry, labour, Aboriginal and municipal delegates to the Softwood Summit that up to 50,000 jobs in British Columbia alone are at risk. He never saw the maps presented by the premier indicating that, in some areas, 40 per cent of the labour force is vulnerable, in forest communities.

The federal minister turned a deaf ear to the reports, at the summit, from mayors of coastal and interior towns, of laid-off workers who have exhausted their unemployment benefits and have little chance of alternative employment. He tuned out the First Nations chief who talked of unemployment levels of 70 and 90 per cent in Aboriginal communities.

The minister's indifference to what he was told is reflected in the puny package announced this week, of 50 million federal dollars for offshore trade promotion and advocacy advertising in the U.S. Honourable senators, that is about the same as this Liberal government spent in its so-called sponsorship programs to buy golf balls, golf tees and similar essentials to promote unity in the province of Quebec.

Supporting a united front on softwood trade will take more than planting tulips on Parliament Hill. It will take some political will at the highest level to persuade Americans that if they want Canada's support in Afghanistan and security of access to Canadian energy supplies, we want security of access to American forest products markets.

There is no sign that such a commitment by the federal government exists. Senator Carstairs, Leader of the Government in the Senate, has advised us there is no cabinet committee and no working group set up to deal with this issue. Until one does exist, there is no mechanism to combine the cabinet ministers with the mandate and money to fund the support systems needed.

British Columbians will continue to expect more of their national government. I hope our voices will be heard by Minister Pettigrew and his colleagues.

UNITED STATES—NATURAL GAS PIPELINE FROM ALASKA

Hon. Nick G. Sibbeston: Honourable senators, I wish to rise to speak on a matter of some urgency to the Northwest Territories and to Canada as a whole.

In the United States, both the House of Representatives and the Senate have adopted provisions mandating an Alaska Highway route to transport Alaskan natural gas to southern markets. More alarming is the U.S. Senate proposal to subsidize the price of Alaskan gas in order to make sure a route is economically feasible.

These proposals risk stranding Canadian gas in the Northwest Territories and damaging the prospects for the development of a Mackenzie Valley pipeline to deliver that gas. Even though it appears that a stand-alone Northwest Territories pipeline is viable in the current market, these measures may delay this important project for many years. Moreover, by interfering in the floor price of natural gas, they may put exploration and development of new

gas wells throughout North America at risk. This represents gross interference in what should be a market-driven decision. As the Honourable Steve Kakfwi, Premier of the Northwest Territories, has pointed out, these moves violate the spirit and intent of free trade and have the potential to damage Canada-U.S. relations.

This goes beyond issues of federal support for public infrastructure, something desperately needed by all three territories, or of developing market-based mechanisms to assist our Aboriginal people and other northerners to participate in this development. What the American Congress is proposing is to make it illegal to even consider alternatives to the Alaska Highway route and, further, both Democrats and Republicans seem prepared to destroy one of the freest markets in North America, merely to gain political advantage.

The Canadian government and the Bush administration have made it clear that they are route-neutral and do not favour interference in the marketplace in this matter. However, politics has all too often gotten the better of good sense. There is still a risk that these measures will be adopted by the United States.

Fortunately, there is still time. Because the House of Representatives and the Senate pass quite different laws, there is a process whereby the two Houses, along with the President, work together to create a compromised law. Canada must make its position clear on this matter. I have been assured in correspondence with the Prime Minister that he intends to do everything he can to influence the final legislation. I plan to add my voice to those of the Prime Minister and Premier Kakfwi. I urge other honourable senators to do so as well.

ROUTINE PROCEEDINGS

CRIMINAL LAW AMENDMENT BILL, 2001

MESSAGE FROM COMMONS—REPORT OF COMMITTEE

Hon. Lorna Milne, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, May 9, 2002

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

SEVENTEENTH REPORT

Your Committee, to which was referred the motion of the Honourable Senator Carstairs, P.C., that the Senate do not insist on its amendment numbered 1(a) to Bill C-15A, to amend the Criminal Code and to amend other Acts, to which the House of Commons has disagreed; and that a message be sent to the House of Commons to acquaint that House accordingly, has, in obedience to the Order of Reference of Tuesday, May 7, 2002, examined the said motion and Message and now reports as follows:

Your Committee recommends that the Senate do not insist on its amendment numbered 1(a).

Your Committee does, however wish to report back with observations which are appended to this report.

Respectfully submitted,

LORNA MILNE
Chair

APPENDIX TO THE SEVENTEENTH REPORT OF THE STANDING SENATE COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

Your Committee has decided not to insist on its amendment numbered 1(a) of Bill C-15A because of assurances received from officials of the Department of Justice who appeared before us on May 8, 2002. Specifically, your Committee received testimony clearly stating that the child pornography provisions of Bill C-15A would not subject Internet Service Providers (ISPs) to criminal liability when they do not have knowledge of the content of the material stored on or transmitted through their systems. Indeed, in previous testimony before your Committee, Departmental officials recognized that ISPs are not required to monitor what is on their systems, nor should they for privacy reasons. Those officials assured your Committee that it is the Government's intention that ISPs would only be held liable under the proposed law if they knew they were transmitting child pornography and they continued to offer the service. Furthermore, your Committee believes that it is essential that those who administer the criminal law be apprised of the Government's assurance on this matter.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Milne, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

• (1350)

QUESTION PERIOD

AUDITOR GENERAL

ATTACKS ON COMPETENCY BY LIBERAL MEMBERS OF PARLIAMENT

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, given that the Auditor General of Canada is an officer of Parliament, I ask the following: Is it not incumbent on all honourable senators, indeed all honourable members of both Houses of Parliament, to disassociate ourselves from the attacks that have been made on the Auditor General?

To the Leader of the Government in the Senate, I ask: Does the government support or reject the attack being made on the Auditor General by certain Liberal MPs in the other place?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. The Government of Canada has full confidence in the Auditor General. It is the Government of Canada that asked the Auditor General to become engaged in this matter and to conduct the audit. They have agreed with her recommendations. Clearly, that shows the confidence level that the government has in this officer of Parliament.

Senator Kinsella: Honourable senators, can the minister advise this house if the government agrees with the conclusions reached by the Auditor General?

Senator Carstairs: Honourable senators, the government certainly agrees that the Auditor General should conduct a more thorough audit of the programs on which she has indicated she wishes to conduct a greater audit. We also agree with her decision that the RCMP should investigate to see if any criminal wrongdoing has occurred.

Senator Kinsella: Honourable senators, I have two points. First, given the political nature of the office of the Prime Minister's Ethics Counsellor, one can understand that the Liberal backbenchers might think that the position of Auditor General is a partisan political position, but it is not.

Is it the position of the government that the Auditor General has become politicized, as stated by one MP in the other place?

Senator Carstairs: Honourable senators, the Auditor General conducts her affairs as an officer of Parliament and as a thoroughly independent and non-political officer of Parliament.

PUBLIC WORKS AND GOVERNMENT SERVICES

AUDITOR GENERAL—AUDIT OF VISIBILITY AND SPONSORSHIP PROGRAMS— RESPONSIBILITY OF MINISTER

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, many questions are being raised by the report of the Auditor General. Among them is the following theme: What is the responsibility of ministers?

On June 12, 1991, Prime Minister Chrétien, then a member in the House of Commons, stated the following, on page 1566 of Hansard:

...I would like to tell the people of Canada that when we form the government, every minister in the cabinet that I will be presiding over will have to take full responsibility for what is going on in his department. If there is any bungling in the department, nobody will be singled out. The minister will have to take the responsibility.

My question to the Leader of the Government in the Senate is this: Why does the minister responsible in this instance not take his responsibility?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the Honourable Don Boudria has taken his responsibility quite seriously. After all, when it was first reported that good value might not have been received, it was the Honourable Don Boudria who called in the Auditor General. He asked the Auditor General to investigate this matter thoroughly and indicated that if it were necessary to call in the RCMP, he would be prepared to do that as well.

AUDITOR GENERAL—AUDIT OF VISIBILITY AND SPONSORSHIP PROGRAMS—PUBLIC INQUIRY

Hon. Gerry St. Germain: Honourable senators, my question is also to the Leader of the Government in the Senate. I would hope that Minister Boudria, after his vicious attacks when he was part of the rat pack, would make things right at this time.

We have the RCMP now investigating a situation that puts into question whether the RCMP commissioner is really at arm's length now that he is a deputy minister. I think back to the fishing expedition and the witch hunt wherein they went after former Prime Minister Mulroney and ended up paying a \$2-million settlement because they were wrong and they refused to withdraw their investigation.

Would the minister care to comment as to whether we should have a public inquiry that is totally at arm's length as opposed to going through this process?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, let us begin with the statement of Minister Boudria's activities as a member of the official opposition. He took his duties seriously then as a member of the opposition and it is clear that he takes his duties seriously now. The honourable Minister of Public Works has been very direct and open. He has not done anything for which anyone in this country could not have praise.

In terms of the part of the question with respect to the RCMP, the RCMP conducts criminal investigations in this country. I do not think that there has been a question of their integrity with respect to criminal investigations. They have said today, in light of a number of questions raised because they received a sponsorship program through the musical ride, that if they see any conflict of interest, they will turn the investigation over to another police force.

THE SENATE

AUDITOR GENERAL HEARING IN COMMITTEE OF THE WHOLE

Hon. Marcel Prud'homme: Honourable senators, one of my dreams has always been to use the Senate to be much more efficient. Senator Carstairs just mentioned, and rightly so, that Ms Fraser is an officer of Parliament. We have had extremely good experiences when we have had officers of Parliament appear before us in this chamber. Is it not time to consider doing so again? I put that suggestion forward to the Honourable Senator Lynch-Staunton because I alone cannot make that request. Perhaps the official opposition, joined by the government, or

the government, joined by the opposition, could consider having her appear on the floor of the Senate in her capacity as Auditor General to see how she sees the future and whether she thinks that she may need more power or new avenues and new communication with the Canadian public. If she does not have enough power, it would be a good occasion to ask her if she needs that kind of power. If such were the case, I am sure some honourable senators who are alert to that fact could draft the necessary proposal and not wait for the bureaucrats to do it.

• (1400)

Hon. Sharon Carstairs (Leader of the Government): That is an interesting proposal, honourable senators. I note that the Auditor General recently attended a meeting of the Standing Senate Committee on National Finance, ably chaired by Honourable Senator Murray. She has made herself available under those circumstances.

After consultation with me, she recognized — because I pointed it out to her — that briefings had been offered on a regular basis to members of Parliament, but the custom of offering those same briefings to the Senate had failed and was not being followed. That has been reinstituted.

The indications are that Ms Fraser is extremely interested in having dialogues with members of Parliament and members of the Senate. Any further dialogue should be seriously considered.

Senator Prud'homme: Honourable senators, I know the Auditor General is extremely available. I know that she attended the National Finance Committee, and that committee is as influential as a committee can be.

Many events have taken place since the Auditor General appeared before the Standing Senate Committee on National Finance. For her own integrity, and for the integrity of the office she holds, being a witness in Committee of the Whole is certainly much more than just being available for briefings.

Inviting the Auditor General to appear before Committee of the Whole is a suggestion that I should like honourable senators to start considering. I do not expect to hear "yes" or "no" today, but I expect and hope that senators will start reflecting on the possibility of using the Senate in a more efficient way.

Senator Carstairs: I thank the honourable senator for his suggestion. It is worthy of consideration.

AUDITOR GENERAL

ATTACKS ON COMPETENCY BY LIBERAL MEMBERS OF PARLIAMENT AND OFFICIALS

Hon. Marjory LeBreton: Following up on this situation that is troubling to Parliament and all Canadians, in this morning's newspapers, we were confronted with the headline, "Liberal MPs Attack the Auditor General." We were told on the CBC news at noon that spin lines have been circulated by the Prime Minister's Office. Obviously, the objective here is to shoot the messenger, so to speak, and the Prime Minister's Office is leading the charge.

Yesterday evening, at a Politics and the Pen Dinner at the National Arts Centre, Ms Francie Ducros, Director of Communications in the Prime Minister's Office, blatantly remarked, where several people heard her, the following: Who audits the Auditor General? That is hardly a statement by someone who is concerned about openness and fairness. It is a serious and damaging remark by a high-level official in the Prime Minister's Office. It is proof positive that what we are seeing is a coordinated and concerted effort by the Prime Minister's Office to smear the Auditor General, an officer of Parliament.

Would the Leader of the Government in the Senate use whatever power she might have to put an end to these unwarranted and underhanded attacks?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, what the Leader of the Government in the Senate will not do is to listen to hearsay. It is important that we have more proof of the very serious allegations and issues that the honourable senator has brought to the table.

Several weeks ago, for example, the same honourable senator raised the issue of the use of Challenger jets. She and Senator Forrestall were absolutely convinced that the new Challengers were delivered on March 28, which they had not been, and that they had been used to go to Florida that weekend, which they had not. Frankly, previously having had that kind of information brought before us, I want to see some serious proof.

Senator Kinsella: What did they fly to Florida in?

Senator LeBreton: Honourable senators, this is an interesting diversionary tactic. We were asking the question based on information that Senator Forrestall had.

The minister did not answer my question: What will the minister do and what powers will she use, as a member of cabinet to put an end to the unwarranted and underhanded remarks about the Auditor General, an officer of this Parliament?

Senator Carstairs: First, I need facts. I need facts that the Prime Minister's Office has used undue influence, and I have no such facts or evidence. I just have hearsay from the other side, similar to the way that I had hearsay about the Challenger jet.

Senator Kinsella: Ask Jean Carle.

THE SENATE

AUDITOR GENERAL—MOTION EXPRESSING CONFIDENCE IN INTEGRITY AND COMPETENCE

Hon. Lowell Murray: Perhaps we can clear the air here, honourable senators, by asking the Leader of the Government in the Senate the following question. If an honourable senator brought forward a motion expressing the confidence of the Senate in the integrity and competence of the Auditor General, could we count on the minister's support?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I have absolute faith in the Auditor General, and I would, in fact, support such a motion.

UNITED NATIONS

IMPLEMENTATION INTO LAW OF THE CONVENTION ON THE RIGHTS OF THE CHILD

Hon. A. Raynell Andreychuk: Honourable senators, Wednesday, May 8, 2002, Secretary-General Kofi Annan opened the first UN Children's Summit at the United Nations General Assembly in New York. The Secretary-General, it is sad to state, admitted, "...we, the grown-ups, have failed you," the children, "deplorably." He recognized, among a variety of concerns, that far too many children "have seen violence that no child should ever see." He also addressed other concerns, such as child poverty and the right to receive quality education. It was noted that the issues surrounding children are not just in the developing countries but exist in our countries.

Since the government appears to be committed to this summit and to the children of this country, does the government have plans in the near future to adopt enabling legislation to implement into national law the United Nations Convention on the Rights of the Child that Canada ratified in 1991, thereby giving legal force to the rights owed to Canada's youth?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for her question. That conference is taking place. The Deputy Prime Minister is there this afternoon to give a speech on behalf of Canada.

The honourable senator has correctly identified that these problems exist not just in developing countries but in developed countries as well. Our record in handling child poverty, while making progress, is far from the goal we clearly laid out 11 years ago.

In terms of her specific reference, I do not know of any enabling legislation in the works at this time.

Senator Andreychuk: Honourable senators, if we are committed to children, and if we go to a world summit where we state that we are in support of the United Nations Convention on the Rights of the Child, it is incumbent upon the government to pass enabling legislation. If we are to maintain a leadership role in this issue, we must ensure that we implement this convention.

Senator Carstairs: The honourable senator has clearly put on the record her belief that we need enabling legislation. It is something I can bring forth to the cabinet table quite gladly because I share aspects of it, as she knows from our previous discussions.

HEALTH

QUALITY OF FIRST CROP OF MEDICINAL MARIJUANA—BRITISH COLUMBIA AS GROWING AREA

Hon. Pat Carney: Honourable senators, Health Minister Anne McLellan has revealed that Canada's first crop of officially sanctioned medical marijuana is bad weed, containing impurities

which will delay, by several months, plans to provide marijuana to Canadians who need it for medical purposes.

• (1410)

Has the government considered sourcing marijuana from British Columbia, which is widely recognized, at home and abroad, as the supplier of top-quality weed?

Hon. Sharon Carstairs (Leader of the Government): As the honourable senator perhaps knows, the seed that is used for the growth of medicinal marijuana comes from marijuana seized during criminal charges. Some of it has been proven to not be of the variety necessary for the treatment of certain individuals, in this country, who have been given permission not only to use marijuana but to cultivate it themselves for medicinal purposes. The marijuana used by patients who have been given permission to use it, is frequently cultivated by those same people. There are, however, other sources that they also can access. I cannot tell the honourable senator whether some of those sources are in the province of British Columbia.

Senator Carney: Honourable senators, as the honourable minister has explained, the first crop was from seeds that were confiscated by police and grown in an underground mine in her province of Manitoba. Marijuana is considered British Columbia's biggest cash crop, and revenue sources are dim these days. It is grown in the fresh open air of the Gulf Islands and the interior valleys of British Columbia.

Since the government has announced that it is testing the crop to find quality standardized seeds, could the minister give us assurance that the B.C. product will be given equal consideration?

Senator Carstairs: Honourable senators, marijuana crops, other than the crop grown in the Flin Flon mine in my province of Manitoba are not tested, because those crops are grown for the most part illegally. As the crops are not at this point tested, their medical and medicinal properties for the treatment of certain individuals are not known.

However, I will bring to the Minister of Health the representation of the honourable senator from British Columbia, that she believes that the crop from British Columbia is among the best in the world.

[Translation]

NATIONAL DEFENCE

STATE OF MILITARY EQUIPMENT

Hon. Roch Bolduc: Honourable senators, my question is for the Leader of the Government in the Senate. I will warn you, I am not a specialist in Canadian military equipment.

[English]

We have Aurora patrol aircraft that we purchased in 1980. We also have 39-year old CC-130 Hercules — I have had a couple of flights in them — CF-18 fighter jets, and battle tanks acquired in 1978. 30-year old armoured personnel carriers and tactical helicopters and, of course, the 40-year old Sea King helicopter.

[Translation]

Do we have some relatively new military equipment, apart from the submarines — which, I understand, can submerge but not resurface — that would allow us decent participation in a war, should one occur?

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I am pleased to inform the honourable senator that new equipment has been acquired. Some of that equipment is considered the top of the line in the world. There are new armoured reconnaissance vehicles called the Coyote, which are at the present time performing in Operation Apollo. The Coyotes are looked upon with envy by our American brothers, and apparently by the British as well.

New rifles have been purchased, which, again, are considered state of the art. We still have a great number of pieces of equipment that are aged, some of which is in the process of being replaced. More money is being spent on defence than has been spent for a number of years.

As the honourable senator knows, the Defence Department took a significant cut, as did all departments, during the period of the 1990s when we were trying to get our economic house in order. Defence commitments have gone up and will continue to go up.

PURCHASE OF SUBMARINES FROM UNITED KINGDOM—INVOLVEMENT OF LOBBY GROUPS

Hon. Marcel Prud'homme: Honourable senators, Senator Bolduc mentioned submarines. I am a patient man. Honourable senators know that my patience is unlimited. I am still waiting to sit on a committee some time.

In May 11, 1995, my colleague, the Honourable Senator St. Germain, asked a question about submarines. Immediately, I rose and asked a question. It is reported at page 1634 of the *Debates of the Senate* of May 11, 1995. I do not expect an answer today, but I want this matter to receive attention.

I asked:

Honourable senators, I have a supplementary question. Are there any lobby firms interested in this "interesting" contract? If so, would the minister provide me with the names of the lobby firms and/or the lobbyists?

My good friend, the Honourable Senator Fairbairn said:

I will look into that question and report back.

[Senator Bolduc]

On July 11, 1995, the Honourable Senator Graham took an interest in my question. On November 28, 1995, as reported at page 2367 of the *Debates of the Senate*, I was told that the matter —

...is currently being considered by the Government. It will take a decision on the merits of this proposal....It has communicated this position to the British government...

However, I have never received an answer to my first "interesting" question. Who, if any, were the lobbyists interested in selling us these lemons that now will be put at the disposal of our naval personnel in Halifax and probably in Vancouver, who, it would seem, will be put in danger. I will not continue because this is not a speech.

I would like very much if the Leader of the Government in the Senate will return to the referenced dates, which I could provide, and look into the non-answer that I received. I remain with the same opinion, that it was a very lucrative and interesting exchange of services that took place then.

I remind honourable senators that the date was May 11, 1995. My information at that time was that this was the contract of the century for some lobbyist firm. I do not know. I want an assurance that we were not sold lemons because some people, who had great influence then, saw fit to stick their noses into the prospect of Canada buying these submarines.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the honourable senator has clearly asked a question dating back some seven years, for which I am sure that he has received answers, but he has put those questions again today.

Senator Prud'homme: I have received no answer.

Senator Carstairs: If he has not received those answers, I will do my best to obtain those answers. As is perhaps known, I keep a rather quick list on the status of delayed answers. I was informed today that only four delayed answers are outstanding. I will add this question to the list. There will now be five delayed answers outstanding.

As to the preamble by the honourable senator, I too look forward to the day when Senator Prud'homme submits more than one committee as his choice, because I am sure that we can then accommodate him.

Senator Prud'homme: Honourable senators, I was told that there is one committee with total veto given to members of the Liberal Party. I do not take that lightly. Yes, I have given my choice. It was the same choice all three times. Yes, the minister offered me a seat on the committee while I was in Saudi Arabia, but she was told that it could be any committee except the one I had chosen.

I am sorry that this debate has been reopened. I have not broached this topic for some time. However, I am barred from sitting on the Standing Senate Committee on Foreign Affairs because of pressure by some people.

I regret that the minister saw fit to reopen this subject. It is a matter that I have been trying to forget since my last trip with our pleasant former speaker, Senator Molgat, to Saudi Arabia. Yes, I proposed a choice according to how I felt. Since the honourable senator has reopened the debate, I will reopen the debate as well, although I am not interested in doing so. The Leader of the Government knows my choice and I can live without that debate again. I attend committees as often as many other members of committees and more than the majority of members of the Senate. I regret that we have reopened this can of worms today.

• (1420)

Senator Carstairs: Honourable senators, I opened the can of worms because the honourable senator put it on the record. It is also important to put something on the record in response to his comments: There has been no black-balling of the honourable senator. We had an over-subscription of senators from this side who wished to sit on that committee and an over-subscription by senators of the Official Opposition who wanted to sit on that committee. Frankly, it was a numbers game.

[Translation]

ANSWER TO ORDER PAPER QUESTION TABLED

APPLICATION OF ANTITERRORISM ACT

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour of tabling Answer No. 20 to a question on the Order Paper of February 21, 2002 — by Senator Lynch-Staunton.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in the gallery of Denis Lebel, Mayor of Roberval. Mr. Lebel is the guest of Senator Gill. On behalf of all the senators, I welcome you to the Senate of Canada.

[English]

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS.

The Hon. the Speaker: I should like to introduce to honourable senators visiting pages from the House of Commons. They are Mariane Beaudin of Ottawa, Ontario. She is studying political science at the University of Ottawa's Faculty of Social Sciences.

The other page is Graeme Truelove, from Delta, British Columbia, who is studying political science at the University of Ottawa's Faculty of Social Sciences.

Welcome to the Senate of Canada.

Hon. Senators: Hear, hear!

ORDERS OF THE DAY

COMPETITION ACT COMPETITION TRIBUNAL ACT

BILL TO AMEND—THIRD READING

Hon. Marie-P. Poulin moved third reading of Bill C-23, to amend the Competition Act and the Competition Tribunal Act, as amended.

Motion agreed to and bill read third time and passed.

BILL ON ACCESSION TO WORLD TRADE ORGANIZATION AGREEMENT BY PEOPLE'S REPUBLIC OF CHINA

SECOND READING

On the Order:

Resuming debate on the motion of Honourable Senator Austin, P.C., seconded by the Honourable Senator Cook, for the second reading of Bill C-50, to amend certain Acts as a result of the accession of the People's Republic of China to the Agreement Establishing the World Trade Organization.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, it has been almost six months since China acceded to the World Trade Organization, WTO, after one and one-half decades of careful and painstaking multilateral negotiations. Canada was among those countries that welcomed that accession and with good reason. China is quite plainly an economic giant in the world today. It has the seventh largest economy in the world with a GDP, in the year 2000, of \$1.5 trillion. It is Canada's fourth largest export market and, in the year 2000, our bilateral trade in goods with China exceeded some \$15 billion.

Honourable senators, that is a significant amount of trade for Canada. Given China's accession to the WTO, we can expect our trade with that country to increase. With a market of 1.3 billion people, the sky is the limit. However, this will take time. China is still a country in transition from a centrally-planned economy to a market-based economy.

We also have to remember that its record in abiding by trade agreements is, by some estimates, not very good. According to a United States congressional committee, China has broken every agreement it made with the United States over the last 10 years. We will need to proceed with caution, and the time limit safeguards in Bill C-50, we believe, will help us do just that. They will help us protect Canadian interests while the economy and industries in China implement changes required by the WTO. Those changes will take time, to be sure, so the safeguards are necessary. They are a precaution, but a finite one, that demonstrates our faith in the transition process that membership in the WTO demands.

In the negotiations leading to its accession, China agreed to the various safeguard provisions that Canada is proposing. Bill C-50 codifies, as I understand it, those provisions in Canadian legislation and makes the necessary changes in a variety of relevant acts. This will want to be probed in some detail by the committee to which this bill will be referred.

Honourable senators, we must not underestimate the momentous significance of what we are engaged in. I am speaking not only of the safeguards themselves but also of what they represent. China's accession to the World Trade Organization further engages that large, populous country with the free and democratic world. In doing so, it places certain obligations on China that are characteristic of the open societies with which China will engage. Those obligations include areas such as intellectual property; free access to markets; and, for students of human rights, the elimination of discriminatory and unfair practices; and, in a very special way, respect for human rights and human rights values.

We, on this side, support the principles of this bill and will be looking forward to participating in the detailed analysis of it in committee.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read a third time?

On motion of Senator Robichaud, bill referred to the Standing Senate Committee on Foreign Affairs.

CRIMINAL LAW AMENDMENT BILL, 2001

MESSAGE FROM COMMONS— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventeenth report of the Standing Senate Committee of Legal and Constitutional Affairs (Bill C-15A, to amend the Criminal Code and to amend other Acts, to which the House of Commons has disagreed; and that a message be sent to the House of Commons to acquaint the House accordingly), presented in the Senate earlier this day.

Hon. Lorna Milne moved the adoption of the report.

The Hon. The Speaker: Is it your pleasure honourable senators to adopt the motion?

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, I would like to say a few words to thank Senator Carstairs for having agreed to refer the message of the Commons on Bill C-15A to the Senate

Standing Committee on Legal and Constitutional Affairs. I think it is the very nature of our institution. As legislators, it is our duty to close all the doors that we open, to reassure Canadians who care about our work and the integrity and rigour with which it is done.

• (1430)

Honourable senators, you will understand that in committee I succeeded in presenting, to my colleagues and to officials of the Department of Justice, the case for an amendment to Bill C-15A in order to ensure that we were not promoting charges against Internet service providers. I will not repeat my arguments. Those who are interested may read, with considerable interest, I hope, the exchanges that took place yesterday in committee.

To wrap up our consideration of Bill C-15A and so that senators will have a complete picture, I wish to read the observations in the seventeenth report of the Standing Committee on Legal and Constitutional Affairs, which was tabled in this chamber a little earlier today.

This is the appendix to this report. The committee decided, and I quote:

Your Committee has decided not to insist on its amendment numbered 1(a) of Bill C-15A because of assurances received from officials of the Department of Justice who appeared before us on May 8, 2002. Specifically, your Committee received testimony clearly stating that the child pornography provisions of Bill C-15A would not subject Internet Service Providers (ISPs) to criminal liability when they do not have knowledge of the content of the material stored on or transmitted through their systems. Indeed, in previous testimony before your Committee, Departmental officials recognized that ISPs are not required to monitor what is on their systems, nor should they for privacy reasons. Those officials assured your Committee that it is the Government's intention that ISPs would only be held liable under the proposed law if they knew they were transmitting child pornography and they continued to offer the service. Furthermore, your Committee believes that it is essential that those who administer the criminal law be apprised of the Government's assurance on this matter.

In conclusion, I draw your attention to the last sentence:

Furthermore, your committee believes that it is essential that those who administer the criminal law be apprised of the Government's assurance on this matter.

Honourable senators, we have a system in which criminal law is established by one jurisdiction and, in most situations, administered by a different level of government.

This sentence contains a wish: that the authorities of the federal Department of Justice use every possible means to ensure that the provincial authorities who are responsible for the administration of criminal law be informed of the government's real intentions with Bill C-15A.

This sentence is very important because this administration of criminal law — which was the purpose of my amendment — can unfortunately, sometimes in good faith but sometimes in bad faith, be administered in an unprofessional manner, and certainly not in the interests of justice. It is for this reason that this sentence was added.

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I want to say just a very few words. First, I thank all honourable senators who participated in this debate. If any proof was needed — and I think no proof is needed — that the Senate serves an important function in the Parliament of Canada, the debate in this chamber on this bill has been substantive, positive, calm and thoughtful. That is what we are supposed to do in this chamber, and we have done it.

As to Senator Nolin's suggestion, I will hand deliver a copy of this report to the Minister of Justice because I think it is important that it not fall, just as documents do, but that he knows exactly what it was that we aimed to achieve in this chamber on this bill.

Senator Nolin: Thank you very much.

[Translation]

Hon. Gérard-A. Beaudoin: Honourable senators, I believe that the Senate was very wise to once again refer Bill C-15A to the Standing Committee on Legal and Constitutional Affairs.

It is completely in line with the parliamentary system and the bicameral system. We have two chambers that must adopt or reject bills.

We were able to hear from two experts from the Department of Justice. There were two fundamental questions that were raised. The first one dealt with *mens rea* in criminal law. We had the opportunity to revisit the debate. Many senators were present in committee yesterday, and the discussion was most interesting.

The second question dealt with the description of crime. It is very difficult to draft legislation on the elements of a crime. We were right, I believe, to ask legal experts why they came to their conclusions. They explained it very well, and we in the opposition decided in the end to abstain from the vote, because the answer seemed sufficient.

The motion we were considering was adopted. We made observations — which Senator Nolin just read — and we adopted them. In my opinion, it was something that we had to do, because when a very important debate touches on freedom and the Criminal Code, I think that one can never be too prudent in such matters.

[English]

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

• (1440)

LOUIS RIEL BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Chalifoux, seconded by the Honourable Senator Gill, for the second reading of Bill S-35, to honour Louis Riel and the Métis People.—(*Honourable Senator Stratton*).

Hon. Terry Stratton: Honourable senators, I rise today to speak at second reading of Bill S-35, to honour Louis Riel and the Métis people. I would start by congratulating its sponsor Senator Thelma Chalifoux, as I believe she has been able to include in this bill the celebration of many aspects of the rich heritage of the Métis people of Canada.

This bill deals with the issue of Louis Riel and his contribution to the history of both Canada and Manitoba. It acknowledges that the arrowhead sash is to be recognized as a symbol of the Métis people. It also encourages the various parts of the Government of Canada to honour Louis Riel and to honour the Métis people through appropriate displays of the arrowhead sash. Finally, it requires the Minister of Canadian Heritage to "take appropriate action for the preservation of the memory of Louis Riel and the advancement of Métis culture and history."

Given this government's propensity to enter into contracts and spend money, this last clause might make this bill one that requires a Royal Recommendation, as it deals with the expenditure of public funds. However, I will leave that discussion to others.

Clause 3 of this bill states:

The conviction of Louis Riel on August 1, 1885 for high treason is vacated.

I understand that this is legal language which speaks to the present and the future and does not rewrite the past. If my interpretation is correct, this bill is not an attempt to rewrite history or change history, it acknowledges that a conviction was registered. This bill attempts to reconcile our national history. Louis Riel is part of our history, and we should formally recognize that fact. This bill is an attempt, through statute, to effect a degree of social reconciliation.

It is my contention, honourable senators, that this is unnecessary. I would take us back to Tuesday, March 10, 1992, at which time the Right Honourable Joe Clark, then Minister responsible for Constitutional Affairs, placed a resolution before the House of Commons that was agreed to by members of all political parties in both houses. The resolution stated as follows:

That this House take note that the Metis people of Rupert's Land and the North Western Territory through democratic structures and procedures took effective steps to maintain order and protect the lives, rights and property of the people of the Red River;

That this House take note that, in 1870, under the leadership of Louis Riel, the Metis of the Red River adopted a List of Rights.

That this House take note that, based on the List of Rights, Louis Riel negotiated the terms for the admission of Rupert's Land and the North Western Territory in the Dominion of Canada;

That this House take note that these terms for admission form part of the *Manitoba Act*;

That this House take note that, after negotiating Manitoba's entry into Confederation, Louis Riel was elected thrice to the House of Commons;

That this House take note that, in 1885, Louis Riel paid with his life for his leadership in a movement which fought for the maintenance of the rights and freedoms of the Metis people;

That this House take note that the *Constitution Act, 1982*, recognizes and affirms the existing aboriginal treaty right of the Metis;

That this House take note that, since the death of Louis Riel, the Metis people have honoured his memory and continued his purpose in their honourable striving for the implementation of those rights;

That this House recognize the unique and historic role of Louis Riel as a founder of Manitoba and his contribution to the development of Confederation; and.

That this House support by its action the true attainment, both in principle and practice, of the constitutional rights of the Metis people.

In speaking in support of this resolution, Mr. Clark stated that it was now time to recognize the constructive and important role Louis Riel played in defending the interests of the Metis people and his contribution to the political development of Canada and of the West. He went on to say that the adoption of this resolution demonstrated how Canada has matured as a nation and that in our common history we find strength, not weakness.

It should be noted that the spokesperson for the Liberal Party on that occasion was the member for St. Boniface, now Senator Ron Duhamel. He supported this resolution but wished to have added to it that Louis Riel be recognized as one of the Fathers of Confederation. However, the important point for us is that he did support this resolution as a method of reconciliation. He stated:

I appreciate this resolution by the government. I feel the government has taken a major step forward.

It is not unusual for the government to seek the redress of wrongs committed, at some far distant time, in the development of our country. For example, in September 1988, former Prime Minister Mulroney rose in the House of Commons to extend a formal apology on behalf of the Government of the Canada to citizens of Japanese ancestry who, in the Second World War, were wrongfully incarcerated, had property seized and were disenfranchised. He said at the time:

Mr. Speaker, the treatment of Japanese Canadians in wartime was not only unjustified on moral and legal grounds, it went against the grain of the country itself.

More recently, the Honourable Ron Duhamel, when he was Minister of Veterans Affairs, dealt in the House of Commons with the issue of 23 Canadian soldiers who were executed for desertion and in one case for cowardice, in the First World War. These 23 members of the Canadian Expeditionary Force lie buried in Europe. In announcing that the names of these fallen Canadians would now be entered into the First World War Book of Remembrance along with their colleagues, Minister Duhamel — now, of course, Senator Duhamel — stated:

We can revisit the past but we cannot recreate it. We cannot relive those awful years of a nation at peril in total war, and the culture of that time is subsequently too distant for us to comprehend fully.

I agree with these sentiments and the methodology used to address certain periods in the history of this country.

Honourable senators, I believe the resolution passed in the Senate and the House of Commons in 1992, dealing with Louis Riel and the Metis people, is the most appropriate way to deal with all aspects of this matter. I look forward to listening to the interventions of other honourable senators in this chamber.

The Hon. the Speaker: Will the Honourable Senator Stratton permit a question?

Senator Stratton: Yes.

Hon. Gerry St. Germain: Honourable senators, I thank Senator Stratton for his open-mindedness and for the thought he has put into preparing his speech. However, I do have a couple of questions. As I understand it, he said that a vacated conviction, from his perspective, deals only with the present and the future, and not with the past. If that is correct, then why would he oppose this legislation?

The honourable senator read Mr. Clark's resolution which refers to the rights of the Metis people being recognized and affirmed in the Constitution Act, 1982. I, too, believe that we cannot legislate wrongs back into rights and we should only seek to do what is correct in our own time.

However, having said that, these are merely words that have been spoken. I think Senator Stratton would have to agree that, from the time that the European settlers came to this land, the Metis people and our native peoples have been downtrodden,

have been beat upon and have never been recognized for what they have really done; nor have they been given their rightful position in treaties or in any other respect.

With specific reference to the Metis people, there is no living proof that they received anything. Perhaps the honourable senator can tell us what proper recognition the Metis people have received in the Constitution.

My question is this: Why are you such hypocrites when dealing with the Metis and native issues? Why do people not deal realistically with all of the native issues?

• (1450)

Senator Stratton: Honourable senators, I am referring to the Constitution Act, 1982. When you get to the issue of vacating the conviction, you, in essence, are opening a door. My fear is, you are opening a door. I think Senator Duhamel said it best when he was Minister of Veterans Affairs. He said that you cannot do that, because once you open that door, it stays open, and then other issues come forward as a result of that. He said that you have opened Pandora's box and it can never be closed again.

In dealing with the soldiers executed by the British in the First World War, Senator St. Germain said that you simply cannot go back and recognize and understand the issues back then. One of those soldiers, who was from Winnipeg, was executed because he returned 24 hours late.

Honourable senators, it is impossible to go back and rewrite that, and nor should we, because by doing so we would open doors that would allow others with causes to come forward and say, "What about me?" It would be a never-ending issue. We must accept history. In my view, it was unjust with respect to Louis Riel, but that is history.

I do not know if I have answered the honourable senator's question.

Senator St. Germain: I can accept Senator Stratton's explanation. We all have our views, and we must be respectful of each other in this place and in any place.

As a supplementary question, I would ask the honourable senator why we are merely paying lip service to the Metis cause? The present government has named an interlocutor who is supposed to deal with the Metis causes in this country. I speak only of Metis, but our attitude towards all of our Aboriginal peoples is just as bad. The debates that go on regarding Louis Riel, the Metis people, or what have you, merely pay lip service to the issues.

Why does government after government sweep this issue under the table and not deal with the rights that were given to these people? Like the treaty rights given to Indians that have been denied, the rights given to the Metis in Manitoba in the Manitoba Act have been totally ignored. Does the honourable senator wish to comment on that?

Senator Stratton: Honourable senators, I am a member of the opposition. That question would, perhaps be more properly addressed across the floor.

What I tell people when they are dealing with governments of any kind is that persistence will pay off. I tell that that they must not quit. I urge them to keep pushing, and ultimately, hopefully, what they ask for will be granted with respect to the rights of the Metis.

On motion of Senator LeBreton, debate adjourned.

BILL TO CHANGE THE NAMES OF CERTAIN ELECTORAL DISTRICTS

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Poulin, seconded by the Honourable Senator Poy, for the second reading of Bill C-441, to change the names of certain electoral districts.—(*Honourable Senator Kinsella*)

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, Bill C-441 seeks to change the names of a number of constituencies.

For example, in the province of Quebec, it is proposed that the name of the riding Mercier be changed to La-Pointe-de L'Ile. That would be sensible because, on the Island of Montreal, there is a provincial riding called Mercier, but it is in a different part of town from the federal riding of Mercier. Therefore, the change from Mercier to La-Pointe-de-L'Ile makes sense.

A proposed amendment I found interesting, from a different point of view, is the proposal to change Lévis-et-Chutes-de-la-Chaudière to Lévis. Honourable senators might find it curious that, in 1867, a riding called Lévis was created. Then, in 1998, with the passage of Bill C-410, that name was changed from Lévis to Lévis-et-Chutes-de-la-Chaudière. We now have before us a request to change it back to Lévis. I do not know the rationale of having changed it in 1998, but it does raise one's curiosity.

Honourable senators, this type of bill does have some consequences in terms of costs. These changes require expenditures to be made for the publication of maps and other documentation. The committee studying this bill may want to ask how much these changes cost the Chief Electoral Officer, Mr. Kingsley.

Honourable senators, as we all know, after each decennial census there is a requirement to look at the distribution of the ridings across the country. As the last census was only last year, this redistribution process began less than two months ago, I believe on March 12.

As honourable senators also know, based on the last decennial census, the province of Ontario will have four more ridings. Clearly, there will be a significant redistribution, because the creation of three ridings will raise the total number from 103 ridings to 106 ridings in the province of Ontario. That will obviously entail some name changes. The same situation applies in the provinces of British Columbia and Alberta.

Since the province of Quebec will not require extra ridings as a result of the decennial census, it may be easier to change these names than it might otherwise be. Changes, however, could be required as a result of the movement of the population within the province.

Honourable senators, the committee examining this bill may wish to probe those concerns.

Hon. Marcel Prud'homme: Honourable senators, before I ask that this order be adjourned in my name, I wish to ask Senator Kinsella a question.

I am trying to hold back my anger.

The Hon. the Speaker: Senator Kinsella, will you take a question?

Senator Kinsella: Yes, certainly.

Senator Prud'homme: My colleagues should occasionally pay attention to these types of bills. Senator Nolin and I have been working on the electoral boundaries for many years. In my case, it has been for 36 years.

• (1500)

I went to court. I am the only one, aside from Senator Nolin, who has won every time I appeared in court on these matters.

Honourable senators may be aware that a friend of mine asked Parliament to change the word Laprairie to La Prairie. People may not catch the difference. The first spelling was L-a-p-r-a-i-r-i-e and the request was to change that to L-a P-r-a-i-r-i-e.

[Translation]

It got ridiculous. Do you realize that this is the kind of thing we have to deal with?

[English]

I was asked to take the adjournment of this debate. I will be of service to the Senate on this subject in the next few years, in a faithful and useful way.

[Translation]

Senator Kinsella: Honourable senators, I am one of those who believe that Senator Prud'homme is of great use to the Senate, as always. He is one of our best and has accumulated some extraordinary experience in Parliament.

This is a very important question, since it concerns the cost of a name change. This is not a simple change. This is one of the reasons I believe this bill requires careful consideration in committee. I hope that those who appear before it will be able to provide detailed explanations of these changes. That said, I shall leave our colleague Senator Prud'homme to raise the matter.

On motion of Senator Prud'homme, debate adjourned.

[Senator Kinsella]

[English]

STUDY ON STATE OF HEALTH CARE SYSTEM

INTERIM REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kirby, seconded by the Honourable Senator Poulin, for the adoption of the seventeenth report of the Standing Senate Committee on Social Affairs, Science and Technology entitled: *Volume Five: Principles and Recommendations for Reform — Part 1*, tabled in the Senate on April 18, 2002.—(Honourable Senator Cook).

Hon. Joan Cook: Honourable senators, I am pleased to have the opportunity to speak today to the seventeenth report of the Standing Senate Committee on Social Affairs, Science and Technology, a study on the state of the health care system in Canada.

I wish to acknowledge the commitment that members have given to this task over the past two years and to thank Senators Kirby and LeBreton for their leadership.

Honourable senators, committee members have travelled throughout Canada, listening to the concerns and learning how the deliverers of health care perform within the present system. They cope with overwhelming odds and manage to provide a reasonable continuum of care.

The reality is that there is a broad range of options that must be fully explored. Today, I shall confine my remarks to accessibility in the area of rural health.

Dr. John Wooton, quoted in *Farm Family Health*, said:

...if there is a two-tiered medicine in Canada, it's not rich or poor, it's urban versus rural.

Canadians living in rural and remote areas are limited to a smaller range of health care providers. Rural hospital closures and centralization of health services have had a tremendous impact on rural residents. Honourable senators must understand that, if rural people are forced to travel for care, some will not travel. Others will simply delay. Transport, hotel costs and inclement weather are factors. Forcing people to travel long distances for health care, even to a centre of a higher standard, will adversely affect health outcomes. Many communities across Canada are simply too small to support a general practitioner.

Experts suggest that, while policy approaches to dealing with physician shortages in rural and remote areas have been economic or financial, most of the determinants of practice locations involve a complete mix of factors involving far more than financial considerations. Personal background, professional

education and practice factors, as well as personal considerations such as the education of children, recreation, spousal job opportunities and community size, are important influences in practice locations.

Unfortunately, there is little data on registered nurses or other health care providers in similar settlements.

A variety of measures have been proposed to help alleviate the shortage of physicians in underserved areas. These include reserving undergraduate medical school places for qualified applicants willing to commit to rural area practice; revising admission criteria for medical schools to favour qualified rural applicants; enhancing rural area exposure in both undergraduate and post-MD training; developing new residency training programs designed explicitly to prepare specialists who serve as rural regional consultants; and introducing or increasing financial incentives to encourage choice of specialties in short rural supply.

Many doctors do come to rural communities as a result of incentive programs. The problem is that doctors are not staying. Witnesses told the committee that there is a role for the nurse practitioner in the rural health care system and to have them classified as "salaried care providers." This would open up access and decrease waiting. The nurse practitioners would work, in collaboration with the doctors, to ease some of the workload and alleviate many critical situations.

Many witnesses pointed out the need to develop a national vision of home care in which tele-homecare plays a significant role. Once a national vision is clearly developed, specific tele-homecare activities, national in scope, should be developed. This will require strong federal leadership along with collective and immediate action on the part of all stakeholders.

Many experts see tele-health as a very positive step of providing health care to the rural residents of our country. The committee believes that tele-medicine is a critical component of the overall rural health policy of the federal government.

Witnesses confirmed that many gaps exist in information on the health status of individuals and communities in rural Canada. It is the view of witnesses that rural health issues tend to be eclipsed by those in urban areas.

As Health Canada's Office of Rural Health points out, the reality is that rural health needs differ from those of urban areas. These needs stem from the particular environment, such as the hazards associated with rural occupations, including mining, fishing and farming; demographic trends, such as an increase in the seniors' population in some rural areas; and the common health needs associated with the presence of a significant number of Aboriginal communities. In addition, there are more problems associated with delivering health services in rural and remote environments compared to an urban setting. Distances are greater, the number of health care providers is smaller and specialist services may not be readily available.

• (1510)

The options emerging from the work of the committee thus far are: first, the continuing rationing of publicly funded health services, or by allowing waiting lists to grow; second, increase government revenue from individual Canadians, either by raising taxes directly or through other means, such as health care insurance premiums; third, making some services available to those who can afford to pay, while maintaining a publicly funded system for all other Canadians.

These options define the hard choices Canadians now face. What is not acceptable is that we allow the public system to continue to deteriorate.

Canadians will have to balance their desire for publicly funded health care services against their willingness to pay for that service.

"Volume Five: Principles and Recommendations for Reform – Part 1," sets out the parameters for reform, and the next phase of the committee's work is designed to make the full implications of these choices as crystal clear as possible to Canadians.

Honourable senators, on a personal note, I believe implicitly in the integrity of the committee's work thus far, and I am confident that the next volume will reflect a clear vision of how the implementation of these principles will ensure a responsible approach to health care reforms. Canadians will then be able to make an informed choice, a choice that speaks to Canadian values.

I look forward to participating in the next stage of this important and challenging study.

On motion of Senator LeBreton, debate adjourned.

RECOGNITION AND COMMEMORATION OF ARMENIAN GENOCIDE

MOTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Maheu, seconded by the Honourable Senator Setlakwe:

That this House:

- (a) Calls upon the Government of Canada to recognize the genocide of the Armenians and to condemn any attempt to deny or distort a historical truth as being anything less than genocide, a crime against humanity.
- (b) Designates April 24th of every year hereafter throughout Canada as a day of remembrance of the 1.5 million Armenians who fell victim to the first genocide of the twentieth century.—(*Honourable Senator Jaffer*).

Hon. Nicholas W. Taylor: Honourable senators, I have asked the permission of Senator Jaffer to speak to this item and then have the item stand in her name when I am finished. I do not know if it is necessary to first obtain the approval of the house.

I have waited quite a while to speak on this motion because I wanted to have either Senator Setlakwe or Senator Maheu in the house. Luckily enough, Senator Setlakwe is an old friend.

Thinking back many years ago, when I was working as a geologist in northeast Turkey, I had the experience of the Turkish people through an interpreter. There was one person who maintained he was 100 years old. The Turks gave me a blowbyblow description of all the terrible things the Armenians had done to them in the period from 1914 to 1920.

Historically, just to give a quick snapshot of history, the Turks were united with the Germans in the last World War, fighting the British, French and Russians. Of course, the Armenians were also in Russia. Russia wanted to open another front, so it invaded eastern Turkey.

As honourable senators know, Churchill, in one of the few failures in his life, ordered the Allies to land at Gallipoli.

The Turks were able to repel the Armenian and Russian invasion, although it did make some inroads.

Later on, perhaps 15 years later, I was in Nagorno-Kharabakh where the Armenians settled north of the Caucasus. I was able to hear, as I had from many of my Armenian friends, of the massacre of the Armenians by the Turks after the Russians had withdrawn from the war. The Armenians no longer had Russian protection.

In listening to both sides — having been a geologist on the ground with the Turks and having listened to many Armenians here in Canada — there is no doubt that they are both right. As to who killed the most in those times, it is hard to discern.

There is a carry over from the old Muslim-Christian interface, which is happening to a limited extent even today. The Armenians were Christians and the Turks were Muslims. Christians write most of the history books one can pick up in Canada. As a matter of fact, I know very few Muslim history authors. I will be interested to discover what they think of the last 100 years of history. We have a Muslim-Christian interface even now on the issue of terrorism in the U.S.

These are all points that I am trying to get across, in the sense that I do not know who is right and who is wrong. However, I want to go further.

One of the things about being a Canadian is that we check our prejudices at the border when we come to this country. My ancestry is Irish and Scottish, and I have still not forgiven — although I should have — the British for the famine. The Ukrainians hold their famine against the Russians. In Chile, as honourable senators know, the left-wingers were deported and massacred. I could go on. History was made by one nation massacring another.

With a large family, I have had the chance to coach hockey, baseball and football teams. It is a pleasure to go out there and see Arab boys, Jewish boys, Armenian boys and Turkish boys — and girls when I was coaching basketball — all playing together.

Honourable senators, I do not think we help the issue and I do not think we help the modern generation of youngsters when we pass resolutions censuring people for what they did in the past or in another country. It may have occurred. We have the right to hold our own views, but I do not think this is the way we want our younger people to be brought up today. I want to see them playing together, without carrying any of the baggage their fathers or grandfathers might pass on to them, or prejudices in the way of legislating this or that, because it will be used against them.

In other words, honourable senators, there is no reason to haul this baggage in from the past in order to be a Canadian today. When someone comes to Canada today, whether they are an Arab or a Jew, Christian or Muslim, Black, Brown or White, they must check their prejudices and their massacres at the door.

• (1520)

Hon. Mobina S. B. Jaffer: Might I ask a question of the Honourable Senator Taylor?

The Hon. the Speaker: Will the Honourable Senator Taylor entertain a question?

Senator Taylor: Yes.

Senator Jaffer: Honourable senators, from what the Honourable Senator Taylor has said, why are there no Armenians in north-east Turkey? Can the honourable senator explain that? At one point there were 2 million.

Senator Taylor: The honourable senator has said that 2 million Armenians disappeared. I do not know the numbers. When I was in Turkey, they had their side as to how many were missing. There was a war crimes trial after the Turks lost the war. One of the privileges winners receive is to take the losers to court. We had a court in Malta where the British hauled in the Turks; however, it fizzled out.

Honourable senators, I am merely saying that the evidence is difficult. That is not what I am trying to get across. If every word said is true, there is still no reason to bring that fight into this chamber or to Canada.

On motion of Senator Jaffer, debate adjourned.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I should like to draw to your attention to the presence in our gallery of his Excellency Mohammed Alia Thani Al-Khusaiby, Ambassador of Oman.

Welcome to the Senate of Canada.

[Translation]

THE SENATE

MOTION AUTHORIZING BROADCASTING OF PROCEEDINGS AND FORMATION OF SPECIAL COMMITTEE ON RESOLUTION—DEBATE CONTINUED

On the Order:

That the Senate approve the radio and television broadcasting of its proceedings and those of its committees, on principles analogous to those regulating the publication of the official record of its deliberations; and

That a special committee, composed of five Senators, be appointed to oversee the implementation of this resolution.—(*Honourable Senator Gauthier*).

Hon. Jean-Robert Gauthier: Honourable senators, I have been thinking for a long time about the proposal to approve the radio and television broadcasting of the proceedings of the Senate and of its committees. The adoption of this motion will have a direct and major impact on Canada's democratic process.

As one of the two chambers of Parliament, the Senate is very much a part of it. Both the Senate and the House of Commons play a critical role in our democracy. At this point, we must determine whether the broadcasting of our proceedings will put the Senate's role in the limelight and make it more relevant.

Senators and members of Parliament are responsible for adopting Canadian laws. The broadcasting of our proceedings will not change the Senate's legislative role at all. However, the experience of the House of Commons will guide us through the implementation of such a system.

The Senate is the forum where Canadians, through their regional representatives, express their views on bills passed by the House of Commons and referred to the Senate for further consideration. Therefore, the Senate's task is to re-examine all the proposed legislation, and to use the same parliamentary procedures before approving it.

Two questions come to mind. Why now? And how will this decision impact on the activities of the Senate?

Clearly, radio and television broadcasting will change the appreciation and understanding of our parliamentary duties in the Senate. Canadians will be better able to understand what the Senate does, the important role of the opposition in the Senate and also the democratic role that we play in this grand system of ours.

We are living in an age of communications. It is my firm conviction that, if an institution such as the Senate does not concern itself with communicating its objectives and sharing its work, it will, over time, lose all significance in the eyes of the public and will quickly become outdated.

We must innovate. We must capture the attention of Canadians and win their confidence. By broadcasting our proceedings on television, Canadians will be better informed and will be better placed not only to judge the quality of our work, but also to maintain the vitality of our democracy by sharing with us their views on many of the topics discussed.

I am convinced that broadcasting the Senate's debates on television will strengthen Canadian democracy, improve understanding of the issues and most likely surprise many Canadians with the quality of debate here.

Just think about the debate on Bill C-20, the clarity bill. Think about the debate on Bill C-36, the antiterrorism bill. I find it unfortunate that these debates were not broadcast on television because, once again, we contributed to the debate with comments that were serious, constructive and well thought out.

I am unequivocal in my support for broadcasting the proceedings of the Senate and of its committees on television and radio.

The Senate is not seeking to outshine the other place. They have been broadcasting their question period for 15 years now. It has not changed much, except that television has given voters a real sense of what their members do. We are not there. We must change, we must improve, and we must take part in this new age of communications.

It is true that the climate of partisan confrontation is not as present in the Senate. But the Senate is just as political in the true sense of the word and, in my humble opinion, just as serious in its legislative review of the issues submitted for its consideration. We are just as accountable as the elected representatives in the House of Commons to the Canadian public. After all, we account for one third of parliamentarians, there being 105 senators in our Chamber and 301 MPs in the Commons. We do the same work, but we are, in my opinion, perhaps more effective.

Thirty-three senators, or 31 per cent, are women, which is considerably more than in the House of Commons, where there are 239 men and 62 women, the percentage of women there being 21 per cent.

As for use of the official languages, senators use French 14 per cent of the time, compared to 86 per cent for Anglophones. When I was an MP, it was about the same in the House of Commons. It has not changed much since.

Simultaneous interpretation has contributed considerably to a better understanding of the debates. The majority of Francophone parliamentarians are bilingual, while the majority of senators and Anglophone MPs are unilingual. Here in the Senate, I must admit, a number of Anglophone senators are bilingual, which I much appreciate.

Everyone, without exception, has access to parliamentary publications, be they *The Debates of the Senate*, *The Journals of the Senate*, or minutes of committee deliberations, and all are available in both of the country's official languages. That is what Canada is all about: two official languages and equality of access to federal government services.

One of the serious problems today with the televising of parliamentary proceedings is that of captioning for parliamentary broadcasts. During question period in the Commons, captioning is available only in English, not in French. In French, there is an inset and Quebec Sign Language for the hearing disabled is used.

I come from Ontario. I am 72 years of age and I cannot start learning sign language, but I do know how to read! Without captioning, I am unable to hear and to follow the proceedings.

Today, there are over 300,000 Canadians who, like me, are deaf and cannot follow the debates of the House of Commons.

• (1530)

They have a serious problem. They should have access to stenotyping and captioning of parliamentary broadcasts. I hope that, in the negotiations with CPAC, the Canadian Cable Public Affairs Channel, the House of Commons and the Senate will be required to broadcast, not just the video signal but also an audio signal in both official languages. This is important for the unity of the country, and it can be done right now.

With modern technology, it is not a problem. The same picture can be used for both official languages. Today's television sets are equipped with the SAP function — second audio programming — so a person just has to select which audio they want, English or French. The picture does not change.

One day, I hope, the CRTC will be able to put its foot down and demand innovation. Cable companies will have to understand how essential it is for the unity of this country for broadcasts from the House of Commons and the Senate to include captioning in both official languages. We simply wish to confirm the linguistic duality and bicameral nature of our parliamentary system: two equal chambers within one democratic Parliament.

On motion of Senator Lapointe, debate adjourned.

ILLEGAL DRUGS

SPECIAL COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT

Hon. Pierre Claude Nolin, pursuant to notice of May 8, 2002, moved:

That the date of presentation by the Special Senate Committee on Illegal Drugs, of the final report, on its study in reassessing Canada's anti-drug legislation and its policies, which was authorized by the Senate on March 15, 2001, be extended from August 31, 2002 to Thursday, September 13, 2002.

He said: Honourable senators, originally, the date of presentation of the report had been set for the end of August. In committee, it appeared that it would be much more practical for the media to extend the date of this report by two weeks, to September 13, 2002. This is why I moved adoption of this motion.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, May 28, 2002, at 2:00 p.m.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, May 28, 2002, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(1st Session, 37th Parliament)
Thursday, May 9, 2002

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act respecting marine liability, and to validate certain by-laws and regulations	01/01/31	01/01/31	—	—	—	01/01/31	01/05/10	6/01
S-3	An Act to amend the Motor Vehicle Transport Act, 1987 and to make consequential amendments to other Acts	01/01/31	01/02/07	Transport and Communications	01/05/03 amended 01/05/09	3	01/05/10	01/06/14	13/01
S-4	A First Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	01/01/31	01/02/07	Legal and Constitutional Affairs	01/03/29	0 + 1 at 3rd	01/04/26	01/05/10	4/01
S-5	An Act to amend the Blue Water Bridge Authority Act	01/01/31	01/02/07	Transport and Communications	01/03/01	0	01/03/12	01/05/10	3/01
S-11	An Act to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other Acts in consequence	01/02/06	01/02/21	Banking, Trade and Commerce	01/04/05	17 + 1 at 3rd	01/05/02 Senate agreed to Commons amendments 01/06/12	01/06/14	14/01
S-16	An Act to amend the Proceeds of Crime (Money Laundering) Act	01/02/20	01/03/01	Banking, Trade and Commerce	01/03/22	0	01/04/04	01/06/14	12/01
S-17	An Act to amend the Patent Act	01/02/20	01/03/12	Banking, Trade and Commerce	01/04/05	0	01/05/01	01/06/14	10/01
S-23	An Act to amend the Customs Act and to make related amendments to other Acts	01/03/22	01/05/03	National Finance	01/05/17	11 + 2 at 3rd 01/06/06	01/06/07	01/10/25	25/01
S-24	An Act to implement an agreement between the Mohawks of Kanesatake and Her Majesty in right of Canada respecting governance of certain lands by the Mohawks of Kanesatake and to amend an Act in consequence	01/03/27	01/04/05	Aboriginal Peoples	01/05/10	0	01/05/15	01/06/14	8/01
S-31	An Act to implement agreements, conventions and protocols concluded between Canada and Slovenia, Ecuador, Venezuela, Peru, Senegal, the Czech Republic, the Slovak Republic and Germany for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	01/09/19	01/10/17	Banking, Trade and Commerce	01/10/25	0	01/11/01	01/12/18	30/01

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-33	An Act to amend the Carriage by Air Act	01/09/25	01/10/16	Transport and Communications	01/11/06	0	01/11/06	01/12/18	31/01
S-34	An Act respecting royal assent to bills passed by the Houses of Parliament	01/10/02	01/10/04	Rules, Procedures and the Rights of Parliament	02/03/05	4 + 1 at 3rd	02/03/19		
S-40	An Act to amend the Payment Clearing and Settlement Act	02/03/05	02/03/12	Banking, Trade and Commerce	02/03/14	0	02/03/19		
S-41	An Act to re-enact legislative instruments enacted in only one official language	02/03/05	02/03/20	Legal and Constitutional Affairs					

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-2	An Act to amend the Employment Insurance Act and the Employment Insurance (Fishing) Regulations	01/04/05	01/04/24	Social Affairs, Science and Technology	01/05/03	0	01/05/09	01/05/10	5/01
C-3	An Act to amend the Eldorado Nuclear Limited Reorganization and Divestiture Act and the Petro-Canada Public Participation Act	01/05/02	01/05/10	Energy, the Environment and Natural Resources	01/06/06	0	01/06/12	01/06/14	18/01
C-4	An Act to establish a foundation to fund sustainable development technology	01/04/24	01/05/02	Energy, the Environment and Natural Resources	01/06/06	0	01/06/14	01/06/14	23/01
C-6	An Act to amend the International Boundary Waters Treaty Act	01/10/03	01/11/20	Foreign Affairs	01/12/12	0	01/12/18	01/12/18	40/01
C-7	An Act in respect of criminal justice for young persons and to amend and repeal other Acts	01/05/30	01/09/25	Legal and Constitutional Affairs	01/11/08 negated 01/12/10	11 1 at 3rd 01/12/13	01/12/18	02/02/19	1/02
C-8	An Act to establish the Financial Consumer Agency of Canada and to amend certain Acts in relation to financial institutions	01/04/03	01/04/25	Banking, Trade and Commerce	01/05/31	0	01/06/06	01/06/14	9/01
C-9	An Act to amend the Canada Elections Act and the Electoral Boundaries Readjustment Act	01/05/02	01/05/09	Legal and Constitutional Affairs	01/06/07	0	01/06/13	01/06/14	21/01
C-10	An Act respecting the national marine conservation areas of Canada	01/11/28	02/02/05	Energy, Environment and Natural Resources					
C-11	An Act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger	01/06/14	01/09/27	Social Affairs, Science and Technology	01/10/23	0	01/10/31	01/11/01	27/01
C-12	An Act to amend the Judges Act and to amend another Act in consequence	01/04/24	01/05/09	Legal and Constitutional Affairs	01/05/17	0	01/05/29	01/06/14	7/01
C-13	An Act to amend the Excise Tax Act	01/04/24	01/05/01	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	15/01
C-14	An Act respecting shipping and navigation and to amend the Shipping Conferences Exemption Act, 1987 and other Acts	01/05/15	01/05/30	Transport and Communications	01/10/18	0	01/10/31	01/11/01	26/01

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-15 A	An Act to amend the Criminal Code and to amend other Acts	01/10/23	01/11/06	Legal and Constitutional Affairs	02/02/19	2 + 1 at 3rd 02/03/12	02/03/19 Message from Commons agreeing with two amends, and disagreeing with one 02/04/24, Referred to Legal Cite 02/05/07; Report from Cite (Senate does not insist) adopted 02/05/09		
C-17	An Act to amend the Budget Implementation Act, 1997 and the Financial Administration Act	01/05/15	01/05/30	National Finance	01/06/07	0	01/06/11	01/06/14	11/01
C-18	An Act to amend the Federal-Provincial Fiscal Arrangements Act	01/05/09	01/05/31	National Finance	01/06/12	0	01/06/12	01/06/14	19/01
C-20	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2001	01/03/21	01/03/27	—	—	—	01/03/28	01/03/30	1/01
C-21	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/03/21	01/03/27	—	—	—	01/03/28	01/03/30	2/01
C-22	An Act to amend the Income Tax Act, the Income Tax Application Rules, certain Acts related to the Income Tax Act, the Canada Pension Plan, the Customs Act, the Excise Tax Act, the Modernization of Benefits and Obligations Act and another Act related to the Excise Tax Act	01/05/15	01/05/30	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	17/01
C-23	An Act to amend the Competition Act and the Competition Tribunal Act	01/12/11	02/02/05	Banking, Trade and Commerce	02/05/02	1	02/05/09		
C-24	An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts	01/06/14	01/09/26	Legal and Constitutional Affairs	01/12/04	0 + 1 at 3rd	01/12/05	01/12/18	32/01
C-25	An Act to amend the Farm Credit Corporation Act and to make consequential amendments to other Acts	01/06/12	01/06/12	Agriculture and Forestry	01/06/13	0	01/06/14	01/06/14	22/01
C-26	An Act to amend the Customs Act, the Customs Tariff, the Excise Act, the Excise Tax Act and the Income Tax Act in respect of tobacco	01/05/15	01/05/17	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	16/01
C-27	An Act respecting the long-term management of nuclear fuel waste	02/03/05	02/03/20	Energy, Environment and Natural Resources					
C-28	An Act to amend the Parliament of Canada Act, the Members of Parliament Retiring Allowances Act and the Salaries Act	01/06/11	01/06/12	—	—	—	01/06/13	01/06/14	20/01
C-29	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/06/13	01/06/14	—	—	—	01/06/14	01/06/14	24/01

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-30	An Act to establish a body that provides administrative services to the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court and the Tax Court of Canada, to amend the Federal Court Act, the Tax Court of Canada Act and the Judges Act, and to make related and consequential amendments to other Acts	02/03/05	02/03/12	Legal and Constitutional Affairs	02/03/21	0	02/03/27	02/03/27	8/02
C-31	An Act to amend the Export Development Act and to make consequential amendments to other Acts	01/10/30	01/11/20	Banking, Trade and Commerce	01/11/27	0	01/12/06	01/12/18	33/01
C-32	An Act to implement the Free Trade Agreement between the Government of Canada and the Government of the Republic of Costa Rica	01/10/30	01/11/07	Foreign Affairs	01/11/21	0	01/11/22	01/12/18	28/01
C-33	An Act respecting the water resources of Nunavut and the Nunavut Surface Rights Tribunal and to make consequential amendments to other Acts	01/11/06 (withdrawn 01/11/21)	01/11/27	Energy, the Environment and Natural Resources	02/03/21	1	02/03/26	02/04/30	10/02
		01/11/22 (reintroduced)							
C-34	An Act to establish the Transportation Appeal Tribunal of Canada and to make consequential amendments to other Acts	01/10/30	01/11/06	Transport and Communications	01/11/27	0	01/11/28	01/12/18	29/01
C-35	An Act to amend the Foreign Missions and International Organizations Act	01/12/05	01/12/14	Foreign Affairs	02/03/13	0	02/04/25	02/04/30	12/02
C-36	An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism	01/11/29	01/11/29	Special Committee on Bill C-36	01/12/10	0	01/12/18	01/12/18	41/01
C-37	An Act to facilitate the implementation of those provisions of first nations' claim settlements in the Provinces of Alberta and Saskatchewan that relate to the creation of reserves or the addition of land to existing reserves, and to make related amendments to the Manitoba Claim Settlements Implementation Act and the Saskatchewan Treaty Land Entitlement Act	01/12/04	01/12/17	Aboriginal Peoples	02/02/19	0	02/02/20	02/03/21	3/02
C-38	An Act to amend the Air Canada Public Participation Act	01/11/20	01/11/28	Transport and Communications	01/12/06	0	01/12/11	01/12/18	35/01
C-39	An Act to replace the Yukon Act in order to modernize it and to implement certain provisions of the Yukon Northern Affairs Program Devolution Transfer Agreement, and to repeal and make amendments to other Acts	01/12/04	01/12/12	Energy, the Environment and Natural Resources	02/03/07	0	02/03/27	02/03/27	7/02
C-40	An Act to correct certain anomalies, inconsistencies and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal certain provisions that have expired, lapsed, or otherwise ceased to have effect	01/11/06	01/11/20	Legal and Constitutional Affairs	01/12/06	0	01/12/10	01/12/18	34/01

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-41	An Act to amend the Canadian Commercial Corporation Act	01/12/06	01/12/14	Banking, Trade and Commerce	02/02/07	0	02/02/21	02/03/21	4/02
C-43	An Act to amend certain Acts and instruments and to repeal the Fisheries Prices Support Act	02/04/16	02/04/25	Legal and Constitutional Affairs					
C-44	An Act to amend the Aeronautics Act	01/12/06	01/12/10	Transport and Communications	01/12/13	0	01/12/14	01/12/18	38/01
C-45	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/12/05	01/12/17		--	--	01/12/18	01/12/18	39/01
C-46	An Act to amend the Criminal Code (alcohol ignition interlock device programs)	01/12/10	01/12/12	Committee of the Whole	01/12/12	0	01/12/13	01/12/18	37/01
C-49	An Act to implement certain provisions of the budget tabled in Parliament on December 10, 2001	02/03/19	02/03/20	National Finance	02/03/25	0	02/03/27	02/03/27	9/02
C-50	An Act to amend certain Acts as a result of the accession of the People's Republic of China to the Agreement Establishing the World Trade Organization	02/04/30	02/05/09	Foreign Affairs					
C-51	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	02/03/20	02/03/25	--	--	--	02/03/26	02/03/27	5/02
C-52	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003	02/03/20	02/03/26	--	--	--	02/03/27	02/03/27	6/02

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-441	An Act to change the names of certain electoral districts	02/04/23							

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	01/01/31	01/01/31	National Finance	01/03/28	5	referred back to Committee 01/10/23		
S-7	An Act to amend the Broadcasting Act (Sen. Finestone, P.C.)	01/01/31	01/02/07	Transport and Communications	01/06/05	0	01/06/07		
S-8	An Act to maintain the principles relating to the role of the Senate as established by the Constitution of Canada (Sen. Joyal, P.C.)	01/01/31	01/05/09	Rules, Procedures and the Rights of Parliament					
S-9	An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools)	01/01/31							

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-10	An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate) (Sen. Grafstein)	01/01/31	01/02/08	—	—	—	01/02/08 Senate agreed to Commons amendment 01/12/12	01/12/18	36/01
S-12	An Act to amend the Statistics Act and the National Archives of Canada Act (census records) (Sen. Milne)	01/02/07	01/03/27	Social Affairs, Science and Technology	01/12/14	0	referred back to Committee 02/03/25		
S-13	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	01/02/07	01/05/02	Rules, Procedures and the Rights of Parliament (Committee discharged from consideration—Bill withdrawn 01/10/02)					
S-14	An Act respecting Sir John A. Macdonald Day and Sir Wilfrid Laurier Day (Sen. Lynch-Staunton)	01/02/07	01/02/20	Social Affairs, Science and Technology	01/04/26	0	01/05/01	02/03/21	2/02
S-15	An Act to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada (Sen. Kenny)	01/02/07	01/03/01	Energy, the Environment and Natural Resources	01/05/10	0	01/05/15	Bill withdrawn pursuant to Commons Speaker's Ruling 01/06/12	
S-18	An Act to Amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	01/02/20	01/04/24	Social Affairs, Science and Technology (withdrawn) 01/05/10	01/11/27	0			
S-19	An Act to amend the Canada Transportation Act (Sen. Kirby)	01/02/21	01/05/17	Transport and Communications					
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	01/03/12							
S-21	An Act to guarantee the human right to privacy (Sen. Finestone, P.C.)	01/03/13	Dropped from Order Paper pursuant to Rule 27(3) 02/04/16	(Subject-matter 01/04/26 Social Affairs, Science and Technology)	(01/12/14)				
S-22	An Act to provide for the recognition of the Canadian horse as the national horse of Canada (Sen. Murray, P.C.)	01/03/21	01/06/11	Agriculture and Forestry	01/10/31	4	01/11/08	02/04/30	11/02

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-26	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	01/05/02	01/06/05	Transport and Communications					
S-29	An Act to amend the Broadcasting Act (review of decisions) (Sen. Gauthier)	01/06/11	01/10/31	Transport and Communications					
S-30	An Act to amend the Canada Corporations Act (corporations sole) (Sen. Atkins)	01/06/12	01/11/08	Banking, Trade and Commerce					
S-32	An Act to amend the Official Languages Act (fostering of English and French) (Sen. Gauthier)	01/09/19	01/11/20	Legal and Constitutional Affairs					
S-35	An Act to honour Louis Riel and the Metis People (Sen. Chalifoux)	01/12/04							
S-36	An Act respecting Canadian citizenship (Sen. Kinsella)	01/12/04		(Subject-matter 02/04/16 Social Affairs, Science and Technology)					
S-37	An Act respecting a National Acadian Day (Sen. Comeau)	01/12/13	02/03/27	Social Affairs, Science and Technology					
S-38	An Act declaring the Crown's recognition of self-government for the First Nations of Canada (Sen. St. Germain, P.C.)	02/02/06							
S-39	An Act to amend the National Anthem Act to include all Canadians (Sen. Poy)	02/02/19							
S-42	An Act to amend the Canada Post Corporation Act (householder mailings) (Sen. Taylor)	02/03/26							
S-43	An Act to protect heritage lighthouses (Sen. Forrestall)	02/05/02							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-25	An Act to amend the Act of incorporation of the Conference of Mennonites in Canada (Sen. Kroft)	01/03/29	01/04/04	Legal and Constitutional Affairs	01/04/26	1	01/05/02	01/06/14	42/01
S-27	An Act to authorize The Imperial Life Assurance Company of Canada to apply to be continued as a company under the laws of the Province of Quebec (Sen. Joyal, P.C.)	01/05/17	01/05/29	Legal and Constitutional Affairs	01/05/31	0	01/05/31	01/06/14	43/01
S-28	An Act to authorize Certas Direct Insurance Company to apply to be continued as a company under the laws of the Province of Quebec (Sen. Joyal, P.C.)	01/05/17	01/05/29	Legal and Constitutional Affairs	01/05/31	0	01/05/31	01/06/14	44/01

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CANADA

Debates of the Senate

1st SESSION

• 37th PARLIAMENT

• VOLUME 139

• NUMBER 116

OFFICIAL REPORT
(HANSARD)

Tuesday, May 28, 2002

—
THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Tuesday, May 28, 2002

[Translation]

The Senate met at 2:00 p.m., the Speaker in the Chair.

Prayers.

THE LATE HONOURABLE RENAUDE LAPOINTE, P.C., C.C.

TRIBUTES

Hon. Lise Bacon: Honourable senators, I would like to say a few words in connection with the recent passing of a great lady, the Honourable Louise Marguerite Renaude Lapointe.

Like many others here who have had the pleasure of knowing and working with her, and have had the opportunity to really appreciate her immense talent, her numerous qualities, her exceptional energy and, above all, her sense of devotion. I was greatly saddened to learn of her death on May 11.

Renaude Lapointe was a great lady and, above all, a great Canadian.

[English]

First as a journalist, then as a senator, on through to her retirement years, Renaude Lapointe remained a true Canadian, dedicated to the service of her country and of her countrymen and, I should say, countrywomen.

[Translation]

Renaude Lapointe was first and foremost a truly great journalist. She began to build her reputation in the 1940s and 1950s at *Le Soleil* in Quebec City.

In 1959 she joined the staff of Montreal's *La Presse*. At a time when the large majority of women reporters were relegated to the "society pages," Renaude Lapointe's by-line appeared on articles that were extremely popular because, as many of you will recall, they invited people to think.

In particular, she contributed some thirty articles on Monsignor Joseph Charbonneau, Archbishop of Montreal. This prelate supported the asbestos strikers in defiance of both his religious superiors and Maurice Duplessis. She earned many honours and awards for this and other such series.

Later on, she wrote a book on this, and her research also eventually served as the basis for a play, *Charbonneau et le chef*, which was a great hit in the 1970s.

Over the years, Renaude Lapointe was a correspondent for both *Time* and *Life* magazines, as well as the CBC International Service. Appreciated by both her peers and her readers for her talented pen, it was no surprise that she was chosen "Canadian journalist of the year" in 1965.

[English]

While she always remained a journalist at heart, Renaude Lapointe was also active in other fora. On November 10, 1971, she was summoned to the Senate by Pierre Elliott Trudeau. Throughout her 15-odd years as a senator, Renaude Lapointe kept herself very busy. She sat on important senatorial committees, such as the Foreign Affairs Committee and the Legal and Constitutional Affairs Committee. She was particularly active and vocal in fields such as Senate reform, Old Age Security, women's rights, bilingualism, foreign affairs and the United Nations. She also served as an active member of various parliamentary associations, including the Canadian World Federalist Parliamentary Association and the NATO Parliamentary Association, to name only two.

On September 12, 1974, Renaude Lapointe was appointed Speaker of the Senate. She was the first francophone woman to ever preside over the affairs of the upper chamber. In that, too, I would point out, Renaude would prove to be quite the pioneer.

Renaude Lapointe retired from the Senate on January 3, 1987, at the age of 75, much to the chagrin of her colleagues whose respect and affection she had earned during her years in office.

[Translation]

I would be remiss if I did not also mention that Renaude Lapointe was a member of the Group of 78, which, in 1982, signed a joint statement on Canada's foreign policy. This statement sought to put assistance to the world's poorest at the core of our country's international action.

This is a true reflection of the values of our late colleague. Throughout her life, whether through her writings, her speeches or her political activism, Renaude Lapointe showed that she was a most remarkable woman and a Canadian dedicated to protecting her country's unity and the well-being of her fellow countrymen.

[English]

Honourable senators, we lost a formidable woman and Canadian in Renaude Lapointe, but I dare say that we are perhaps the better for having known her.

• (1410)

[Translation]

Hon. Gérard-A. Beaudoin: Honourable senators, last Wednesday, during the funeral of the Honourable Renaude Lapointe, who was the Speaker of the Senate from 1974 to 1979, the Honourable Maurice Riel, himself a former Speaker of the Senate, spoke in the presence of the former Governor General, the Right Honourable Roméo Leblanc, the current Speaker of the Senate, the Honourable Daniel Hays, and Mrs. Aline Chrétien.

In his eulogy, Senator Riel referred to a book written by Renaude Lapointe and entitled *L'histoire bouleversante de Monseigneur Charbonneau*, published in 1962 at the Editions du Jour.

Some of us remember the events that took place in Quebec in the middle of the past century.

The resignation of Monsignor Charbonneau as archbishop of Montreal, following the infamous asbestos strike, was a major event that is now part of our history. This was a different era in Quebec. It preceded the Quiet Revolution of 1960, which left a deep imprint on our country. I did not want to miss this opportunity to point out this fact for our national archives.

Honourable senators, I speak for all of us in wanting people to remember this work written by Speaker Renaude Lapointe about an era which some of us experienced and which Senator Maurice Riel has done a wonderful job of evoking these past few days.

Hon. Marcel Prud'homme: Honourable senators, it is no secret that for many years I spent the weekends with our friend, Senator Renaude Lapointe. We lived in the same building. I had the great honour of visiting with her and being stimulated by her stories about all sorts of people, including senators.

She did ask me not to elaborate on this in any tributes on her death. I will therefore respect this final wish expressed when she was in better health.

I helped to organize the funeral. I was very honoured, as I was supposed to be the one to do the eulogy. I preferred to get Senator Riel to take this on. In fact, he sent me a note today. Up until the last minute, I thought that the Prime Minister would be able to attend. We were honoured to see the service attended by Mrs. Aline Chrétien, the Right Honourable Governor General Roméo Leblanc, and many other personalities who made a point of coming.

At Senator Riel's request, I will forward the complete text of his eulogy to senators. Senator Maurice Riel delivered this eulogy at the funeral service on May 22, 2002 at the Sacré-Coeur church in Ottawa. He had some very kind words to say about our friend Renaude. I will simply quote three sentences. She was, he said:

Fearless and above reproach...

She always told us:

...Do not be afraid...

In this, she was echoing His Holiness, Pope John Paul II. The senator also said:

Her weapon of choice was her disarming smile and a few words that always rang true.

Those who knew Mme Lapointe know how well I have just described her. She did not beat around the bush. She was direct, frank, a wonderful, friendly person. She was our friend.

[English]

SENATORS' STATEMENTS

NATIONAL ACCESS AWARENESS WEEK

Hon. Catherine S. Callbeck: Honourable senators, this week, Canadians across the country will take part in National Access Awareness Week: a week to examine the issue of access for people with disabilities; to ensure that they are able to participate fully in all aspects of life, including education, leisure, transportation, housing and employment. National Access Awareness Week is also a time to pay tribute to the thousands of people who volunteer their time to work with people with disabilities.

It is encouraging to see the advances that have resulted from the cooperative efforts of people with disabilities, of organizations, business leaders, unions, governments and others. However, in spite of these advances, it is important to note that there is still much to be done to ensure that those living with disabilities are able to participate fully in Canadian society. This is especially true when we consider the situation of women living with disabilities.

According to the DisAbleD Women's Network, 52.3 per cent of all women living with disabilities will experience three or more forms of abuse, 34.8 per cent will experience abandonment, and 51 per cent will live in isolation. Compounding the situation, the vast majority of women with disabilities live on an annual income that is well below the poverty line.

There is also much to be done to improve the situation of Aboriginal people living with disabilities. Thirty per cent of Canada's Aboriginal adult population have a disability, more than double the national rate. In addition, the disability rate among Aboriginal young adults is three times higher than it is for the non-Aboriginal population. As noted in the Human Resources Development report, entitled "In Unison 2000: persons with disabilities in Canada," disabled persons, especially those from the communities I have just mentioned, are at the greatest risk of being marginalized.

This risk becomes even greater if members of these communities come from a rural or remote area. People with disabilities who live in rural or remote areas often do not have the same access to transportation and disability support as those living in urban areas.

It is important that we continue to work towards improving access for those who are disabled and to uphold Canada's commitment to diversity. As policy-makers, we are in a unique position to promote and protect the citizenship rights of those living with disabilities, recognizing that full citizenship depends on equality, inclusion, rights and responsibilities, and empowerment and participation.

UNITED NATIONS SPECIAL SESSION ON CHILDREN

Hon. Landon Pearson: Honourable senators, in the week before the break, I was in New York at the United Nations General Assembly Special Session on Children. It was a remarkably positive experience, the significance of which I will expand upon later, in the course of an inquiry.

In the short time I have today, I should like to share some brief segments of the message from the Children's Forum, delivered to the UN General Assembly by two child delegates, Gabriela Azurduy Arrieta, aged 13, from Bolivia, and Audrey Cheynut, aged 17, from Monaco.

This was the first time children under the age of 18 ever spoke in the General Assembly, and their voices were both firm and eloquent. Their message is entitled "A World Fit for Us." This is, in part, what they had to say:

We are the world's children.

We are the victims of exploitation and abuse.

We are street children.

We are the children of war.

We are the victims and orphans of HIV/AIDS.

We are denied good-quality education and health care.

We are victims of political, economic, cultural, religious and environmental discrimination.

We are children whose voices are not being heard: it is time we are taken into account.

We want a world fit for children, because a world fit for us is a world fit for everyone.

In this world,

We see respect for the rights of the child...

We see an end to exploitation, abuse and violence...

We see an end to war...

We see the eradication of HIV/AIDS...

We see the protection of the environment...

We see an end to the vicious cycle of poverty...

We see the provision of education...

We see the active participation of children

raised awareness and respect among people of all ages about every child's right to full and meaningful participation, in the spirit of the Convention on the Rights of the Child...

We pledge an equal partnership in this fight for children's rights. And while we promise to support the actions you take on behalf of children, we also ask for your commitment and support in the actions we are taking, because the children of the world are misunderstood.

We are not the sources of problems; we are the resources that are needed to solve them.

We are not expenses; we are investments.

We are not just young people; we are people and citizens of this world.

Until others accept their responsibility to us, we will fight for our rights.

We have the will, the knowledge, the sensitivity and the dedication.

We promise that, as adults, we will defend children's rights with the same passion we have now, as children.

We promise to treat each other with dignity and respect.

We promise to be open and sensitive to our differences.

We are the children of the world, and despite our different backgrounds, we share a common reality.

We are united by our struggle to make the world a better place for all.

You call us the future, but we are also the present.

• (1420)

TWO-HUNDREDTH ANNIVERSARY OF
SAINT MARY'S UNIVERSITY

Hon. Wilfred P. Moore: Honourable senators, one week ago, I had the honour to attend an historic ceremony in Halifax, Nova Scotia, on behalf of our Prime Minister, the Right Honourable Jean Chrétien, and to bring greetings from him and in his behalf from the people of Canada. The occasion was the unveiling of a plaque in celebration of the founding of Saint Mary's University 200 years ago in the Glebe House, at the corner of Barrington Street and Spring Garden Road. As a member of the 1964 commerce class, it was a special treat for me to participate in this event.

The unveiling of this commemorative marker denotes a wonderful milestone in the life of Saint Mary's University, this venerable institution that has been an integral part of the life of Halifax and Nova Scotia for 200 years. We are most grateful for the work of our founder, Father Edmund Burke, and for the efforts of the governors, administrators and students who have gone before, and we heartily champion those who have taken up their torches.

From those humble beginnings and an opening class of four young men studying theology, Saint Mary's has relocated to its Robie Street campus, where more than 8,000 coeducational students now study business, science, engineering, criminology, the arts and humanities. At Saint Mary's, where tradition meets the future, students continue to earn national and international academic and athletic honours.

I should note that, yesterday, Canada Post Corporation issued a handsome stamp in commemoration of the two-hundredth anniversary of Saint Mary's University.

In closing, we say, "Well done, Saint Mary's!" and "Bonne Chance" as you launch into your next millennium.

MULTIPLE SCLEROSIS AWARENESS MONTH

Hon. Yves Morin: Honourable senators, May is Multiple Sclerosis Awareness Month. Canadians have one of the highest rates of multiple sclerosis in the world. Most people are between 20 and 40 years old when diagnosed. It is an autoimmune disease. The body's own immune system attacks the myelin sheath that surrounds and protects nerve fibres. Its course is unpredictable and its symptoms variable. We do not know what causes it, and we do not know how to cure it.

[Translation]

Fortunately, research is changing that. Thanks to research, there are now drugs that slow the progression of the disease, and studies indicate that early treatment has a positive effect.

[English]

Today, research is focusing on repairing and re-growing myelin, including looking at whether stem cells could be used to generate myelin-producing cells.

Both the Multiple Sclerosis Scientific Research Foundation, established by the Multiple Sclerosis Society, and the Canadian Institutes of Health Research support the research of Dr. Samuel Weiss of the University of Calgary. Dr. Weiss and his colleagues were the first in the world to discover neural stem cells and how to grow them in culture.

[Translation]

Honourable senators, research is giving hope to those living with the unpredictable nature of multiple sclerosis. It is allowing us to better understand this disease and will lead to the discovery of more effective treatments, such as embryonic stem cells. One day, research will lead to a cure.

HEARING AWARENESS MONTH

Hon. Jean-Robert Gauthier: Honourable senator, I would like to make a few comments in the context of Hearing Awareness Month in Canada. As you can imagine, having a hearing impairment is not easy.

Three million Canadians, some 10 per cent of the population, live with a hearing impairment. These people are unable to follow a conversation, watch a television program, or hear what is said in

a room. I have been fortunate, because here in the Senate we have stenographers, guardian angels if you will, who type in real time, which allows me to read what I cannot hear. It involves a great deal of effort! But it is worth the trouble, as they say.

This is a real problem for more than one million Canadians. It is not easy to understand, nor is it easy to hear sometimes. I have been pressuring the CRTC to require national broadcasters to provide closed captioning for Canadian programming. I have not yet been successful, but it is coming along. I am patient.

I would also like the debates of the Senate and the House of Commons to be broadcast with real-time closed captioning. There is a difference between the two. Closed captioning in real time is what is happening right now. These are my guardian angels who type, as I talk, and everything that you hear. This makes it possible to read everything that is said on a computer screen. It is very useful for someone like me who wants to participate fully in a parliamentary debate such as this.

And why not? It is not rocket science. It is a technique that needs development, but there is a major problem: training stenotypists. This is taught in English all over Canada: Vancouver, Edmonton, Toronto, but there is no school at this time, giving the course in French. The technique is different depending on which official language is involved. Something must be done. I approached la Cité collégiale, a post-secondary institution here in Ottawa, proposing the formation of an advisory committee made up of people who use captioning services. I am thinking of Radio-Canada, national radio stations, films, the courts and so on. There are a lot of groups that have to provide captioning.

Honourable senators, it is high time something was done. A Canadian association for the hearing impaired is lobbying for it at this time. I hope that the senators will understand how essential it is, for people like myself and so many others, to understand what is going on.

[English]

TOXIC LEVELS OF FARMED SALMON

Hon. Jim Tunney: Honourable senators, I rise today to express a serious concern resulting from a scientific paper prepared by Michael Easton, a Vancouver geneticist, who led a study on farmed salmon. His findings found that farmed fish contain nearly 10 times the toxic levels of some types of PCBs as wild salmon do. The feed that is used to grow and fatten these farmed fish comes from the offal of fish previously caught and processed. It enhances their growth and it enhances their maturity.

Women of child-bearing age and young children are the most susceptible to the risks of PCBs that have been linked to immune system suppression and reduced mental development. Mr. Easton suggests that it would not be advisable for people in this group to frequently consume farmed salmon. He is quoted as saying, "The fish and the oil from the fish meal in feed," that is, feed to feed the live fish, "serves not only to produce high energy feeds with good growth performance and qualities but also acts as a pipeline for contaminants into the human food chain."

The Canadian Food Inspection Agency disputes the view that farmed fish contain enough PCBs to pose a human health hazard. Surprisingly, however, that agency has been quietly conducting their own studies, similar to those of Mr. Easton, and intends to post its findings some time next week.

Canada has no current standards on the amount of PCBs allowed in products fed to fish and livestock. It is my opinion that this should be addressed and changed immediately.

• (1430)

[Translation]

ROUTINE PROCEEDINGS

CHIEF ELECTORAL OFFICER

ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, pursuant to section 72(2) of the Privacy Act, I have the honour of tabling the annual report of the Chief Electoral Officer.

[English]

EXCISE BILL, 2001

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-47, respecting the taxation of spirits, wine and tobacco and the treatment of ships' stores.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Kroft, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

CANADIAN NATO PARLIAMENTARY ASSOCIATION

MEETING OF STANDING COMMITTEE AND SECRETARIES OF NATIONAL DELEGATIONS OF THE NORTH ATLANTIC TREATY ORGANIZATION PARLIAMENTARY ASSEMBLY, APRIL 5-7, 2002—REPORT OF CANADIAN DELEGATION TABLED

Hon. Shirley Maheu: Honourable senators, I have the honour to table the 14th report of the Canadian NATO Parliamentary Association. This is the report of the official delegation that represented Canada at the meeting of the Standing Committee and Secretaries of National Delegations of the NATO Parliamentary Assembly, held in Granada, in Spain, from April 5 to April 7, 2002.

[English]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

SECOND PART OF THE 2002 ORDINARY SESSION OF THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE, APRIL 22-26, 2002—REPORT OF CANADIAN DELEGATION TABLED

Hon. Peter A. Stollery: Honourable senators, I have the honour to table the report of the delegation of the Canada-Europe Parliamentary Association to the Second Part of the 2002 Ordinary Session of the Parliamentary Assembly of the Council of Europe held in Strasbourg, France, from April 22 to 26, 2002.

[Translation]

SCRUTINY OF REGULATIONS

NOTICE OF MOTION TO AUTHORIZE JOINT COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Céline Hervieux-Payette: Honourable senators, I give notice that on Wednesday, May 29, 2002, I will move:

That the Standing Joint Committee for the Scrutiny of Regulations be empowered to permit coverage by electronic media of the public proceedings of its meeting of Thursday, May 30, 2002 with the least possible disruption of its hearings.

[English]

QUESTION PERIOD

NATIONAL DEFENCE

POSSIBLE REVIEW—REQUEST FOR TABLING OF PLAN

Hon. J. Michael Forrestall: Honourable senators, it is in a different world, as someone once said about another event, that we come together in this chamber and in the other chamber.

I wish to ask a question of the Leader of the Government in the Senate. In February, as I am sure the minister will recall, as will most of us, the then Minister of National Defence announced at a meeting of the Conference of Defence Associations that the government would conduct a review of defence and foreign policy. Obviously, this is something that was taken very seriously at the time and, by now, should be several months advanced. As a matter of fact, it is now almost three months to the day of that announcement. Could the minister tell us the government's timeline on conducting the defence review?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, to the best of my knowledge no such review has commenced. When I learn that it has begun, I will inform the honourable senator, as well as indicate its exact mandate.

Senator Forrestall: Honourable senators, leaving aside the issue of National Defence for the time being, will the Leader of the Government table the defence review work plan so that we might know how it was conducted over the past three months? As well, could the minister give us a general idea of the government's plans for the future?

Senator Carstairs: As I indicated in my first response to the honourable senator, to the best of my knowledge no policy review has commenced. When that plan is developed, I will be delighted to share it with the honourable senator.

FOREIGN AFFAIRS

POSSIBLE POLICY REVIEW

Hon. J. Michael Forrestall: Honourable senators, as the Leader of the Government in the Senate will know, the report on the question of the foreign policy review has been deferred. We are unsure as to whether that was because the minister was travelling around to other parts of the world in pursuit of the Canadian initiative, which is a worthwhile one. In any event, the report was deferred from May 15 to May 30, which is two days hence. Could the minister tell us whether she is aware of the timetable concerning this review?

While the minister is standing, could she either give us an explanation or undertake to give us one as to just what Canada as a nation does when it finds itself with a foreign policy review that is out in front?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, there are a number of parts to the honourable senator's question. As the honourable senator knows, Senator Roche has asked questions in the past about the need for a foreign policy review conducted at the same time as a defence review; or, if anything, foreign policy first and defence policy second. At this time, I know of no set timelines for either policy review.

However, while I am on my feet, at the excellent suggestion of Senator Banks, which I received earlier this week, I will hand deliver, this week, a copy of the Senate's report by the National Security and Defence Committee, to the new Minister of National Defence.

PRIME MINISTER'S OFFICE

INDEPENDENT ETHICS COUNSELLOR

Hon. Marjory LeBreton: Honourable senators, my question is for the Leader of the Government in the Senate. It concerns the question of government ethics.

The events of the past few months since the Gagliano shuffle, which followed on the heels of several other ethically challenged events, namely, the Human Resources boondoggle, the Grand-Mère affair and other dubious projects in Shawinigan, all point to a very grave situation indeed. There has been a severe erosion in public confidence having to do with the behaviour of certain elected politicians and their arrogant style of political leadership.

Many promises have been made and broken over the years; they are too numerous to list. However, one is looming large and bears repeating. It appeared in that now infamous Liberal Red Book, which should be renamed the "Liberal Red-Faced Book."

• (1440)

I am reading from the book now:

...a Liberal Government will appoint an independent Ethics Counsellor to advise both public officials and lobbyists in the day-to-day application of the Code of Conduct for Public Officials. The Ethics Counsellor will be appointed after consultation with the leaders of all parties in the House of Commons and will report directly to Parliament.

I respectfully ask the Leader of the Government in the Senate whether she will use her influence at the cabinet table to urge the Prime Minister to at least keep this one promise. This great Parliament of Canada and the Canadian public deserve no less.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, let me begin my response by dissociating myself entirely from the comments my honourable friend made at the beginning of her question.

Last week, the Prime Minister made a substantive announcement on the issue of government ethics, an eight-point plan as to the development of a number of issues: everything from the first annual report of the Ethics Counsellor to Parliament, to the need for changes to the Lobbyists Registration Act and, of course, to conflict of interest policies for members of the House of Commons and this chamber.

PRIME MINISTER

COMMENTS ON APPOINTMENT OF NEW CABINET MINISTERS

Hon. Marjory LeBreton: Honourable senators, the Prime Minister's so-called eight-point plan did not get very good reviews from people who watch Parliament closely, including many professors of various universities and media columnists.

The Prime Minister, in a media scrum following his shotgun ceremony at Government House on Sunday evening, attempted to explain why one minister was deemed to have been in conflict and the other was not. Since we, as parliamentarians, cannot judge the guidelines, which are secret, I was interested in his response. He used the word "nuanced." The *Webster* definition of "nuance" is:

1. a subtle distinction or variation
2. a subtle quality: nicety
3. sensibility to, awareness of, or ability to express delicate shadings...

Can the minister attempt to enlighten us, therefore, as to what was nuanced here? Why was Art Eggleton fired and Don Boudria simply demoted?

Hon. Sharon Carstairs (Leader of the Government): Clearly, the honourable senator did not read the eight-point plan as carefully as I would have liked her to do. Among the statements the Prime Minister made was that the guidelines will no longer be secret, but that they will be very much public. That will be one of the initiatives undertaken.

As to the honourable senator's specific question, the Ethics Counsellor, who examined both the actions of the former minister, Mr. Eggleton, and the present minister, Mr. Boudria, made two entirely different decisions. He indicated that according to the guidelines signed by all ministers of cabinet, Mr. Eggleton was in breach of those guidelines and Mr. Boudria was not.

Senator LeBreton: The minister is asking us again to take a leap of faith. Therefore, Mr. Eggleton was fired and Mr. Boudria was kept because of some guideline that the Prime Minister will make public sometime in the future.

Again, I ask why the double standard? In many respects, both ministers were doing things in support of their friends. Will the Prime Minister apply the same guidelines to himself?

Senator Carstairs: Honourable senators, there is a clear distinction between the activities of the two ministers. In the case of Mr. Boudria, I think that he has himself admitted quite openly that he made an error in judgment. The reality is that he paid for the nights that he spent in this home, and that if he had to do it again, he would not have made that error in judgement. This was not an infringement of the guidelines that all ministers are asked to follow.

In the case of the Minister of National Defence, he was in clear conflict in the view of the Ethics Counsellor.

PUBLIC WORKS AND GOVERNMENT SERVICES

USE OF MANSION OF PRESIDENT OF GROUPE EVEREST BY FORMER MINISTER

Hon. Marjory LeBreton: Honourable senators, I have a further comment on Minister Boudria. The minister says he paid for the nights that he spent in the mansion back in March. The cheque was not cashed and it went through a circuitous route, as we have read in the newspapers. First, he talked about a going rate. How can there be a going rate for a luxurious mansion? Apparently six people stayed there. That is \$400 a night divided by six, which works out to about \$65 a night. That is cheaper than Motel 6. Where can we all sign up? That is what the Canadian public will be asking.

Hon. Sharon Carstairs (Leader of the Government): The senator asks: What is a fair price? I think, rental of a house at \$12,000 a month, which would equal \$140,000-plus per year, is a rather large sum of money. That is what would be equated if one took the rental of this house over a period of 365 days. To the best of my knowledge, and certainly my experience, when one rents a house, one is not usually asked how many people will be residing there at any given time.

Senator St. Germain: Supplementary!

Senator Carstairs: The important issue here is that the minister has admitted clearly that he made an error in judgment. He made an error in judgment.

Senator Lynch-Staunton: After he got caught.

Senator Carstairs: The reality is that he understood that he had paid for these two nights of accommodation. I have written cheques that sometimes have taken many months to be cashed by the individuals to whom I have given them. They were not for rental accommodation but for many other things. In fact, I recently sent a cheque to the Receiver General that seemed to take an inordinate amount of time to cash.

Senator Stratton: You are falling on the sword.

Senator Carstairs: We all have bank accounts where we can point to that kind of thing.

Senator Lynch-Staunton: Senator Graham is blushing.

Senator Carstairs: Mr. Boudria made an error in judgment. He has admitted that error. The Prime Minister has taken an action that reflects his recognition that there was an error in judgment. In the case of the other minister, there was a breach.

Senator Stratton: More, more!

Senator LeBreton: The fact of the matter is that Mr. Boudria should not have been there in the first place, whether or not he paid, which is still in question.

Senator Maheu: What would Brian do?

Senator LeBreton: Whether or not he paid is not the issue. The issue is that he was brought to the Department of Public Works supposedly to clean up the mess. We are told that there are no problems in this government, so what was there to clean up? Mr. Boudria went there in the midst of everything that had happened to Mr. Gagliano. The issue is not whether he paid. That is debatable. The issue is that he should never have been there in the first place.

Senator Lynch-Staunton: Hear, hear!

NATIONAL DEFENCE

CIRCUMSTANCES OF RESIGNATION OF FORMER MINISTER

Hon. Gerry St. Germain: Honourable senators, my question is with regard to an error in judgment. An error in judgment was only brought forward by Minister Boudria when he was challenged. He did not volunteer the information on his own.

Had the Minister of National Defence declared an error in judgment, he should then have been treated the same way as Minister Boudria has been treated. Is that not correct? Is this what the honourable leader is saying? She is saying that Mr. Boudria made an error in judgment and that is why the Prime Minister allowed him to keep a ministerial post; whereas the other minister did not hide behind an error in judgment and said that he figured he had done nothing wrong. He was fired and the other minister was kept. Why?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as I have said I think four times now, the former Minister of Defence was in breach of the guidelines that all ministers sign.

Senator Lynch-Staunton: Where are the guidelines? What guidelines? The invisible guidelines?

Senator Carstairs: If Senator Lynch-Staunton wishes to ask a question, I would be more than pleased to answer it, but I am answering Senator St. Germain's question right now.

The breach of the guidelines was clear in the mind of the Ethics Counsellor. That was the advice he gave to the Prime Minister. There was no breach of the ethical guidelines by the Honourable Don Boudria.

• (1450)

Hon. Laurier L. LaPierre: Is the honourable leader aware that the practice of putting an unendorsed cheque in the collection plate is followed in the province of Quebec? It is particularly common in the part of the province I come from.

[Translation]

They would go around with the collection plates to collect money and they would tell people that if they needed it, they could take the cheque.

[English]

Many cheques were found in the collection plate the following Sunday. That is probably what happened in this instance. Is the honourable senator aware of that practice?

Senator Carstairs: I must tell the honourable Senator LaPierre that when I have given a donation to the church it has always been a cash donation.

Hon. J. Michael Forrestall: Honourable senators, I have a supplementary question. As the minister just indicated that she would do so, would she care to table those guidelines, and if not, why not?

Senator Carstairs: Honourable senators, the Prime Minister announced last week that the guidelines would be public, and they would be holding the matter over for the next while, perhaps two weeks.

I will now quote from the eight-point plan, as I think it is important. They will, "Make public guidelines to govern ministerial fundraising for personal political purposes." They will, "Release revised rules for ministerial dealings with Crown corporations," and they will, "...make public the Guide for Ministers and Secretaries of State which outlines the standards of ethical conduct that should guide them."

When those are available within the next two weeks, as announced by the Prime Minister, then, of course, they will be available to all honourable senators.

Senator Forrestall: Honourable senators, I would like to see tabled the guidelines upon which the Ethics Counsellor based his judgment the other day.

Senator Carstairs: Considering they will make public the guide for ministers and secretaries of state, which outlines the standards of ethical conduct which should guide them, I believe we are talking about exactly the same thing.

Senator Forrestall: I do not think they are the same thing. There were no guidelines and that is why they cannot be tabled. They do not exist.

[Translation]

TREASURY BOARD

PUBLIC SERVICE UNIVERSAL CLASSIFICATION STANDARD

Hon. Roch Bolduc: My question is for the Leader of the Government in the Senate. Mrs. Robillard recently informed us that the job classification project in the public service — a project begun in 1991 and still going on — has cost an estimated \$100 million. This week, we learned that the new project cannot be implemented and that the government must therefore start the process all over again.

This bothers me for two reasons. How can it have taken ten years to discover that the universal classification standard will not work? Even more serious is the fact that the job classification plan is designed to bring public servants under one pay scale. Staff are classified within the plan.

For some time now, the government has been implementing a policy on pay equity in order to fight discrimination. We know that the existing classification system does not work because the government has tried to create a new one.

In my view, this is a serious matter. We are talking about five or ten million dollars, not some small amount of money. We are talking about pay for the entire federal public service, which consists of 190,000 individuals paid between \$40,000 and \$50,000 a year.

[English]

It is a lot of money. If they are not well classified, it would be a huge mistake to use that to compensate for equality. We are talking about billions of dollars here.

Hon. Sharon Carstairs (Leader of the Government): The honourable senator has raised some extremely important points. However, I must indicate to him that it was several weeks ago when the actual announcement was made, not this week. Therefore, I do not have those details before me at the present time. Announcements were made and justifications were given. I will obtain that information for the honourable senator and present it to him as quickly as possible.

PRIME MINISTER'S OFFICE

REGISTRATION OF LOBBYISTS

Hon. Terry Stratton: Honourable senators, I should like to go back to the business about the new "eight commandments."

If you go back to 1993, on page 95 of the Liberal Red Book, Canadians were promised, "We will also take measures to better regulate the activities of lobbyists, particularly in the awarding of government contracts." Why, nine years later, has this promise not been kept?

Hon. Sharon Carstairs (Leader of the Government): In fact, there have been changes to the way in which lobbyists register in this country since 1993. As part of this eight-point plan, there will be further changes.

Senator Stratton: I am quite sure that if the scandals had not occurred, the new eight-point plan would have stayed on the shelf gathering dust just like the 1993 Red Book promise.

The Red Book also promised:

The Ethics Counsellor will have the power both to require reporting of lobbying fees in relation to government procurement contracts and to disclose publicly any contract, fee, or activity that may be contrary to the Code of Conduct for Lobbyists.

Honourable senators, I have not seen a word about this in the proposed ethics package. Here we have a promise from 1993. Will this born-again promise be introduced in the form of a bill, only to die on the Order Paper when the house prorogues?

Senator Carstairs: Honourable senators, with the greatest respect to the honourable senator, he, in fact, participated in the debate and the passing of significant amendments to the Lobbyists Registration Act. That act increased the transparency and cast the light of day into the lobby industry for the very first time. It now appears that further reforms may be necessary, and the Prime Minister has announced that those reforms will be introduced as part of an eight-point plan in the fall.

JUSTICE

OATH OF ALLEGIANCE—AMENDMENTS TO CONSTITUTION—REQUEST FOR ANSWER

Hon. Lowell Murray: Honourable senators, on another matter, does the honourable leader know whether the government's legal advisors have been able to get their minds around the question I

asked on April 23, as to which amending formula would apply to any changes in the provisions of the 1867 Constitution concerning the oath of allegiance?

Hon. Sharon Carstairs (Leader of the Government): I have been advised that there is room for debate on which amending provision would apply. It would likely involve section 41 or section 44 of the Constitution Act, 1982, but in the broader context I certainly agree with the honourable senator that there are dangers in individual improvisations, and it is an initiative that we, as senators, should strongly discourage.

Senator Murray: Honourable senators, I presume the debate has taken place among the law officers of the Crown, and it will be resolved one way or another before long.

Will the leader undertake to have the government give us a definitive reply as to which of those amending formulae, 41 or 43, would apply to any amendment to those provisions?

• (1500)

Senator Carstairs: The amending formulae are in sections 41 and 44. The opinion that I have been given is that there remains some question as to which one it would be. I shall try to obtain a definitive answer for the honourable senator.

INTERNATIONAL TRADE

UNITED STATES— RENEWAL OF SOFTWOOD LUMBER AGREEMENT

Hon. Gerry St. Germain: Honourable senators, my question is for the Leader of the Government in the Senate and concerns the softwood lumber dispute. An absolute crisis has been created in softwood lumber, which is a \$10-billion industry in British Columbia and in other parts of Canada. I understand that the government has appropriated some funds for relief in various areas. Can the Leader of the Government in the Senate elaborate on that subject so that British Columbians may have some idea of what additional action is being taken to resolve this crisis?

Softwood lumber is a \$5-billion industry in British Columbia alone. I do not have to explain the severity of this situation because the honourable senator is aware of it. Can she enlighten us as to what is being done on a diplomatic and political level with the Americans to resolve this matter? Since the Senate last sat, the tariff has been imposed.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, a number of initiatives have been announced by the government. Minister Pettigrew announced just yesterday \$20 million to help Canada's softwood lumber industry raise awareness in the United States of the punitive duties that will be imposed.

As the honourable senator well knows, perhaps our best allies in this dispute are those who are building homes in the United States. All of them will pay higher prices for those homes because of the tariffs imposed to appease the interests of a narrow group.

The \$20 million will complement the \$75 million in funding announced on May 16, 2002, by Minister Dhaliwal to ensure the long-term prosperity and competitiveness of Canada's forest industry.

In respect of the honourable senator's specific question about the ongoing negotiations with the United States, it is very difficult to negotiate with individuals who do not wish to negotiate, which appears to be the current situation. That is why we have moved forward through the international community.

Senator St. Germain: Will that funding of \$20 million and \$75 million go to an advertising agency in the same way that other funds were spent on various programs in the province of Quebec? Huge percentages of funds went to advertising agencies in that province and then possible donations were made to various organizations in the country. Can the Leader of the Government in the Senate explain how these funds will be administered? Will these funds be provided to the industry and not to the advertising agencies?

Senator Carstairs: Honourable senators, in the announcement made by Minister Pettigrew, \$17 million will be provided for Canadian lumber associations led by the Forest Products Association of Canada. The money will go directly to them. They think that, on this issue, they would be our best advocates.

In terms of the initiatives announced by Minister Dhaliwal, \$29.7 million will go to Canada's wood export program, \$30 million to support research and development activities, and \$15 million for the value-added research initiative for wood products.

Senator St. Germain: Is the Leader of the Government in the Senate saying that there is no advertising group or other group of people between the government provider of the funds and the final destination of the funds?

Senator Carstairs: Of the monies that I indicated, \$17 million will go to the forest products industry, which will conduct advertising campaigns. There is no question about that because that is the point of this entire initiative.

Senator St. Germain: I realize that.

Senator Carstairs: The forest products industry will set up the contracts for that advertising.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I had a delayed answer to present, but it was given orally by the Leader of the Government in the Senate earlier today.

[Senator Carstairs]

JUSTICE

OATH OF ALLEGIANCE— AMENDMENTS TO CONSTITUTION

(Response to question raised by Hon. Lowell Murray on April 22, 2002)

Senator Murray asked me to obtain information on the general question of which amending formula would apply to amending the constitutional provisions relating to the Oath of Allegiance. This came about as a result of a matter that has since been resolved but I can respond briefly to his question.

I have been advised that there is room for debate on which amending provision would apply. It would likely involve section 41 or 44 of the *Constitution Act, 1982*.

In the broader context, I certainly agree with Senator Murray that there are dangers in individual improvisations and it is an initiative that we as Senators should discourage.

I thank the Honourable member for his question.

[English]

ORDERS OF THE DAY

PAYMENT CLEARING AND SETTLEMENT ACT

BILL TO AMEND—MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that a message has been received from the House of Commons returning Bill S-40, to amend the Payment Clearing and Settlement Act, and to acquaint the Senate that they have passed this bill without amendment.

BUSINESS OF THE SENATE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, we passed by Government Business on the Order Paper rather quickly. Did I miss something? Perhaps the Deputy Leader of the Government could describe for honourable senators his expectations for the government business to be dealt with by this chamber. There is none today, but does the honourable senator expect any government business tomorrow?

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, in response to my opposition colleague, today we received a message from the House of Commons with a bill that we will consider next Thursday.

We must not leave people with the impression that all of the work of the Senate is done here in the chamber. It is important to explain that much of this work is done in committee. Several bills are at the committee stage. When this sitting is adjourned, the committees will resume their work. Next week, some of these bills will be referred back to the chamber in order to begin debate at third reading.

[English]

• (1510)

Senator Kinsella: Honourable senators, would the Deputy Leader of the Government consider it a better use of time if senators focused on the work of the committees? For example, Bill C-47, which received first reading today, could be dealt with and sent on to committee. Perhaps next week could be a committee week, rather than have the Senate sitting. There is a paucity of government business and many senators are anxious to work in committees.

[Translation]

Senator Robichaud: Honourable senators, we are always prepared to consider proposals from the opposition. I have no problems with disposing of the bill proposed for Thursday, as early as tomorrow.

Should we only sit in committee next week? If we do committee work and receive other reports, other bills will come back for third reading, in my opinion. I believe that senators will be able to do a certain amount of work here in the chamber.

[English]

FOOD AND DRUGS ACT

BILL TO AMEND—THIRD READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Cook, for the third reading of Bill S-18, to amend the Food and Drugs Act (clean drinking water).—(*Honourable Senator Cordy*).

Hon. Jeremiah S. Grafstein: Honourable senators, Senator Cordy is not in the chamber today. I would anticipate concluding the debate with a speech at the next sitting, if there are no other senators who wish to debate this issue either today or tomorrow.

The Hon. the Speaker: Before Senator Grafstein commences, there is no right of reply here. Accordingly, leave would be necessary for the honourable senator to proceed.

Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Grafstein: Honourable senators, I do not intend to speak to Bill S-18 today, but I do intend to speak to it tomorrow, if no other senators wish to participate in the debate. I would hope that tomorrow's interventions will conclude third reading of the bill.

Order stands.

HERITAGE LIGHTHOUSE PROTECTION BILL

SECOND READING—DEBATE ADJOURNED

Hon. J. Michael Forrestall moved the second reading of Bill S-43, to protect heritage lighthouses.—(*Honourable Senator Forrestall*).

He said: It is my pleasure, honourable senators, to speak today to Bill S-43. This is not a particularly partisan issue; nor is it a money issue. However, steps must be taken to preserve and protect Canadian heritage for future generations, whether it be heritage properties, railway stations, lighthouses or, perhaps someday soon, our Western Canadian grain elevators. These are all monuments to the Canadian way of life.

For all honourable senators familiar with Nova Scotia and the beautiful tourist trails throughout my home province, I ask you to imagine the Lighthouse Trail without one lighthouse or its outlying structures. Imagine no more Peggy's Cove; imagine no more Grand Manan Island; imagine no more Gannet Rock Lighthouse. Forget about West Point Lighthouse in P.E.I. or Cape Spear Lighthouse in Newfoundland; forget about Langara Point Lighthouse in British Columbia, probably one of the most beautiful, remote and historically important lighthouses in our structure.

Honourable senators, everyday we sit idle, coastal communities throughout Canada — whether on our beautiful East Coast or along the scenic St. Lawrence or on great Lake Winnipeg — face the loss of their historic lighthouses. Lighthouses have been sources of salvation to sailors in littoral waters for hundreds of years and have served as the centres of our coastal communities. Beautiful pictures of lighthouses from around the world adorn many a prominent wall. They are symbols of man's conquests of the high seas and oceans, and in the past have captured the hearts and souls of people world round, as they were the first sight of land upon return to the homeland. No question exists of their place in the human heart or of their simplistic beauty set against the rugged, dark seas. One does not have to hail from the shores of the Atlantic or the Pacific to be attracted to lighthouses.

The Lighthouse Preservation Society, based in Nova Scotia but with representatives from across Canada, has done much work to examine the plight of Canada's lighthouses and has attempted to save them from destruction. There are other groups on the West Coast that have also attempted to preserve this valuable part of Canadian maritime history.

Our colleague and a strong supporter of this bill, Senator Pat Carney, has worked tirelessly with lightkeepers on the West Coast to protect the stations, the keepers and their families. I cannot tell honourable senators how many times I have followed Senator Carney up a spiralling staircase, sometimes to dizzying heights, to

help her in this valuable cause. It is a cause that brings credit, I might add with some pride, to the Senate because it is a cause that lets isolated coastal communities know that someone in government cares — that indeed government does care.

At the last accurate count, there were just over 500 lighthouses in Canada. Of these, only 19 have full heritage protection; 101 have partial protection and recognition as heritage sites. The rest sit in no man's land at the present time.

What does protection and heritage status mean in real terms? I bring honourable senators' attention back to Bill C-62, the Heritage Railway Stations Protection Act, 1988, upon which this bill, to some degree, is modelled. If heritage sites are so special, why was it necessary to protect our heritage railway stations, found in most of our Canadian communities? The answer, sadly, is that even with a "heritage" designation these historic railway stations — some dating to Confederation — could be sold, transferred, altered or destroyed with little recourse to the public. The Heritage Railway Stations Protection Act set up a process of public consultations prior to any action being taken with regard to these valuable heritage sites and imposed stiff penalties in the event precipitous action was taken that in any way damaged an historic railway station.

Our research determined that Canada's 19 heritage lighthouses and the 101 partly recognized sites are in the same vulnerable position as Canada's historic train stations were prior to the passage of Bill C-62. Clause 3 of Bill S-43 reads, as follows:

The purpose of this Act is to preserve and protect heritage lighthouses by

- (a) providing for the selection and designation of heritage lighthouses;
- (b) preventing the unauthorized alteration or disposition of heritage lighthouses; and
- (c) requiring that heritage lighthouses be reasonably maintained.

Let me explain, honourable senators, why, as I said at the beginning of my intervention, this bill does not contemplate the expenditure of money. This bill defines "heritage lighthouse" as follows:

...a lighthouse designated as a heritage lighthouse under section 6, and includes any related site or structure that is included in the designation.

Bill S-43 defines "alter" as follows:

...includes to restore or renovate, but does not include to perform routine maintenance and repairs.

The bill defines "Board" as follows:

...means the Historic Sites and Monuments Board of Canada...

Under Bill S-43, "Minister" means the Minister of Canadian Heritage.

Clause 4 of Bill S-43 reads as follows, honourable senators:

This Act applies to lighthouses within the legislative authority of the Parliament of Canada.

Clauses 6 through 10 of Bill S-43 enable the Governor in Council, on the recommendation of the Minister of Canadian Heritage, to designate lighthouses and their related properties as heritage lighthouses and to set out a process for their designation as heritage lighthouses.

Clauses 11 through 16 protect heritage lighthouses, and I draw your attention in particular to clause 11(1), which reads:

No person shall remove, alter, destroy, sell, assign, transfer or otherwise dispose of a heritage lighthouse or any part of it, unless authorization to do so has been given by the Minister under this Act.

• (1520)

Clauses 11 through 16 also lay out a process for public consultation with regard to the disposition of heritage lighthouses.

Clause 17 simply requires that the owner of a heritage lighthouse keep it up in a condition in keeping with its heritage character. I return to the fact that this bill does not imply the expenditure of money. I suggest to honourable senators that this is nothing more than municipalities in our country require of homeowners. Who wants an eyesore next door? If you do not keep up your property, the municipality can require you to do so.

Clause 18 empowers the Governor in Council to make regulations. It simply amends the Department of Canadian Heritage Act by giving the minister jurisdiction over heritage lighthouses.

In the end, this bill will enhance the powers of the Minister of Canadian Heritage and will allow for the designation, the preservation, public consultation on, and the general upkeep of Canada's heritage lighthouses.

Honourable senators, I believe this is a bill worthy of the support of all of us, and I ask for your consideration in this regard.

On motion of Senator Callbeck, debate adjourned.

STUDY ON MATTERS RELATING TO FISHING INDUSTRY

REPORT OF FISHERIES COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Johnson, for the adoption of the fifth report of Standing Senate Committee on Fisheries entitled: *Selected Themes on Canada's Freshwater and Northern Fisheries*, tabled in the Senate on February 19, 2002.—(Honourable Senator Johnson).

Hon. Janis G. Johnson: Honourable senators, I rise today to draw your attention to the most recent report of the Fisheries Committee entitled "Selected Themes on Canada's Freshwater and Northern Fisheries."

Fresh water, of course, is a subject close to all our hearts. I grew up and live in the Town of Gimli, Manitoba, on the shores of Lake Winnipeg, Canada's fourth largest lake and the tenth largest in the world. This inland sea sustains the biggest commercial freshwater fishery in Western Canada, to the tune of \$15 million per year.

Lake Winnipeg receives water from three American states and four Canadian provinces. It is larger than both Lake Erie and Lake Ontario, but still I suspect many Canadians would be hard-pressed to place it on a map. Before 1999, scientists had not been examined Lake Winnipeg since 1986. The number of conferences, reports and papers assembled on the subject is dismally low compared with those focusing on Canada's other Great Lakes.

The report before us examines the situation in Lake Winnipeg and its massive basin, which stretches from south in the Dakotas, all the way north to Hudson Bay, and as far west as the Alberta-B.C. border, as part of the broader context of the central and Arctic regions of our country that hold vast amounts of Canada's fresh water. Anecdotal evidence suggests that Lake Winnipeg's water quality and the long-term viability of its ecosystems are declining rapidly. However, little baseline or current data are available to diagnose the causes of this deterioration.

The Lake Winnipeg Research Consortium, coordinated by my friend Allan Kristofferson and headquartered in Gimli, was founded in 1998 to address this lack of research. The consortium is made up of 24 members, including government departments at the federal, provincial and municipal levels, Manitoba Hydro, Lake Winnipeg commercial fishermen, the Freshwater Fish Marketing Corporation, the University of Manitoba and the University of Winnipeg. Each of these members stands to gain, as do all Canadians, from a better understanding of the condition of Lake Winnipeg.

In 1999 the consortium managed to secure a surplus Coast Guard vessel, the *Namao*, as a platform for studying the lake. I was on the *Namao* this weekend. It will cruise the lake for three weeks this summer, as it cruised the lake for three weeks last summer and in 1999, when it ran diagnostic water tests at 47 sites. The tests revealed that Lake Winnipeg is approaching a critical point of deterioration that may affect the survival of its ecosystems.

Problems indicated by the research included increased eutrophication, which is caused by excess nutrients like farm fertilizers, and the invasion of new, exotic species, including rainbow smelt and a foreign species of zooplankton, as well as other changes to the lake's transparency and sediment chemistry. These changes can have unforeseen effects on the native ecosystems as the dynamics shift to incorporate new predators, sources of food for native fish species and new conditions.

The findings of the 1999 cruise were important, but it was clear that they were only a starting point for understanding the complex changes taking place in Lake Winnipeg. Unfortunately, the *Namao* was not available the following summer because the vessel needed maintenance. The Coast Guard agreed to make the *Namao* available to the consortium on the condition that it paid for the repairs to make the vessel seaworthy.

In the fall of 2001, the consortium finally succeeded in securing funds for the necessary maintenance, to the tune of \$326,000, from the Canada/Manitoba Economic Development Partnership Agreement. I am happy to report that the ship was recently passed by Transport Canada and is, as I speak, embarking on its first cruise of the summer.

During this and the two other cruises set for 2002 — one in late July and August, and another in October — the *Namao* and its crew will visit each of the established sampling stations three times. At each site, the crew will take samples of the lake bottom to be analyzed for bottom organisms and toxic contaminants. Plankton and algae will be captured and examined for species type, abundance and presence of contaminants, and the crew will take water samples at the surface, at various depths and at the bottom, for quality assessment.

Researchers will use satellite imagery of the lake and correlate it with chlorophyll and suspended sediment samples to map algal bloom. The crew will also trawl for rainbow smelt to better understand its abundance and distribution in the lake. It is hoped that the three planned, consecutive trips will help us gain a better understanding of biological and chemical processes as they develop during the open water season.

The consortium has also inked an agreement with the Coast Guard to crew the *Namao* on a cost-recovery basis for the next three years. With \$165,000 maximum, yearly, denoted by Manitoba Hydro to help cover costs for these three years — contingent on equal contributions from both the federal and Manitoba governments — the *Namao*, with additional small funding, should be able to carry out its three-year study mission that will provide some of the most comprehensive and continuous data ever collected on Lake Winnipeg. If the Lake Winnipeg Research Consortium can cover those vessel operating costs by fundraising in this manner, those using the *Namao* as a platform for their work will be free to use their own funding exclusively for their research which, of course, will mean better quality data.

I have spoken to honourable senators before about North Dakota's controversial Devils Lake diversion project, which proposes to dump enormous volumes of foreign water into the Red River system, which would then flow down into Lake Winnipeg. This will likely have negative impacts on Lake Winnipeg as it opens the door to invasion by new foreign species and water contaminants. I am confident that this next round of tests conducted by the crew of the *Namao* will add scientific emphasis to the chorus of environmentalists opposing the Devils Lake project.

• (1530)

In conclusion, honourable senators, I must say that I am encouraged by these developments, and must commend both my fellow senators on the Fisheries Committee and the Lake Winnipeg Research Consortium for their excellent work. Canada's other "Great Lake" is finally getting the scientific attention it requires, and I look forward to reporting back to you in the fall with the preliminary test results.

On motion of Senator Comeau, for Senator Robertson, debate adjourned.

KYOTO PROTOCOL

INQUIRY

On the Order:

Resuming debate on the inquiry of the Honourable Senator Taylor calling the attention of the Senate to the necessity of Canada ratifying the Kyoto Protocol, which was signed on December 10, 1997.—(*Honourable Senator Spivak*).

Hon. Mira Spivak: Honourable senators, I am pleased to be taking part in this inquiry. I congratulate Senator Taylor for his fine address on this subject.

In January, I addressed the Asia Pacific Parliamentary Forum, where I spoke briefly about Canada's position on the Kyoto protocol. I expressed my hope that Canada would ratify it.

At the time, the domestic debate on ratification had barely begun. Since January, it has grown more fractious than many people could have imagined. Senator Taylor is to be commended for drawing the attention of the Senate to the looming decision. I trust that we can draw more light than heat on the subject matter.

My position is clear: Canada should ratify the protocol, and should make every effort to do so before the World Summit on Sustainable Development to be held in Johannesburg in September. Why? The time to reduce greenhouse gas emissions is long overdue.

A decade and a half has passed since scientists gathered in Toronto and warned that a 20 per cent reduction in greenhouse gas emissions was urgently needed. A decade has passed since world leaders came together at the Rio Earth Summit and agreed to work together. It has been almost five years since the Kyoto protocol was created and Canada's first ministers agreed that our country must do its part to address climate change.

I attended the Toronto conference in 1986; Senator Fairbairn accompanied me. At that conference, we heard the scientists' evidence; we were persuaded. I have seen successive scientific panels grow more certain that mankind is causing the warming we already experience. I have watched Nobel laureates exert their intellectual and moral authority to warn us of the price of delay — all to little effect.

Meanwhile, the professional doubters, obstructionists and other opponents of government policy on climate change have had their way for far too long. First, they attacked the science and denied that there was, or could, be a problem. When the UN's expert panel found that the balance of evidence supports the concept of human-induced climate change, the naysayers demanded certainty — something few business leaders would offer shareholders.

Five years later, when the panel assembled more evidence, including rising sea levels and decreasing snow cover, the opponents changed course. Then the problem became a matter of cost. It would be crippling costly, they allege, to keep the commitments under the Kyoto protocol.

The Worldwatch Institute has seen the global trend and has written of it in the *State of the World 2002* report. Multinational corporations that oppose changing the world's energy mix tend to apply the same strategy everywhere.

Canada is not unique, either in the type of opposition to the protocol or the specific arguments. Canada still comes off poorly in the Worldwatch Institute report, for what we have failed to do, but Canadians' good work in select areas is recognized. The City of Toronto is seen as leading other cities worldwide with measures to reduce emissions by 20 per cent. Premiers in Atlantic Canada are lauded for joining with governors of New England states in promising to go beyond the Kyoto targets.

What of Canada's efforts as a whole? We contribute a disproportionate amount of carbon into the atmosphere — more than Australia and New Zealand combined. We have signed the protocol, pledging to reduce emissions by 6 per cent on 1990 levels; in fact, however, we have increased them by almost 13 per cent. We have cajoled the European Union to let us off the hook for about 10 per cent of our commitment, through emission credits for our "carbon sinks" — our forests and farmlands that absorb carbon from the atmosphere. The government suggests that ratification might depend on credit for exports of natural gas and clean power to the U.S., which would eliminate another 30 per cent of the emission reductions required of us.

Nevertheless, the Canadian Chamber of Commerce, Canadian Manufacturers & Exporters, the Alberta premier and the new leader of the Canadian Alliance, Stephen Harper, have Canada on the road to ruin if we ratify the Kyoto protocol.

The public discourse is worse than appalling. The focus is on one thing only — that is, the macroeconomic cost of ratification. Is it a \$40-billion annual loss, as the Alberta government has projected, or is it a \$2-billion annual gain, as Boston-based Tellus Institute has predicted? Is it 450,000 jobs lost, as Canadian Manufacturers & Exporters say, or is it the net addition of 52,000 Canadian jobs, as Tellus forecasts?

No one has the gift of prophecy. We could face a \$23-billion bill by 2012, or we could be looking at a \$5-billion benefit. It depends on the policy measures the federal and provincial governments choose to meet the Kyoto targets and the assumptions about what those measures will cost.

I do not want to dwell on this futile argument. We will know the cost, once we do it, just as we discovered the real costs and benefits of deficit reduction and only now are beginning to see the real costs of the war on terrorism. We can be reasonably assured that there will be a short-term cost, that it will be greater than what the supporters of the protocol suggest and far less than the inflated cost predicted by the opponents. It will be higher in the initial years, as we make adjustments, and there will be benefits that increase in the long term.

The costs would have been less had we already begun. Had we begun when we said we would, we would be selling technology to European and Asian countries that will ratify the protocol and, as such, will need those solutions.

• (1540)

Honourable senators, we do not need another number-crunching report, and we do not need the Leader of the Opposition in the House of Commons decrying that the Kyoto protocol is a job-killer. He does not know; he is just talking. It may turn out to be a job creator.

As Canada makes the decision in the months ahead, I hope that we will know more and remember more about what is important in this debate. I told our Asia-Pacific colleagues that Canada understands the importance of the Kyoto protocol because we are already experiencing the impacts of global warming. I know that I was in correct about melting permafrost in the North. I know that most Canadians have learned that polar bears are growing leaner and meaner. Senator Adams or Senator Watt said that he sleeps with a gun under his bed because the polar bears are in town. The hunting grounds are changing rapidly.

Some honourable senators may have heard of Quebec's contingency plans to move northern villages where houses are sinking into the permafrost. The government's discussion paper informs us that Canada has just completed the nineteenth consecutive season of above normal temperatures. That is well beyond the range of natural climate variability.

How many of us know what the Inuit and Cree of the Hudson Bay bio-region know? They know that the colour of the sky has changed and that the sun is blocked by haze. They know that cold weather persists into the spring, as it did in the South this year. They know that the currents are weaker and that rivers have less water. These are profound changes for people who travel over sea ice and live off the land. They are taking climate change seriously.

However, are our business leaders taking weather change seriously? The very people who should be viewing challenges as opportunities and who have the most to gain in the energy-change sweepstakes are the people who are leading the charge against the Kyoto protocol, but not all companies. BP, Shell Canada and Suncor think green. Suncor is investing \$100 million in alternative and renewable energy products. Royal Dutch/Shell projects that renewable energy resources will meet up to half the world's energy requirements by 2050. In early May, Royal Dutch/Shell

announced a \$43-million investment that will allow a Canadian company, Iogen Energy Corporation, to develop the world's first commercial scale ethanol plant to make fuel from wood and straw.

Among our manufacturers, Robert Schad, founder and CEO of Husky Injection Molding Systems, has broken ranks with the Canadian Manufacturers & Exporters Association to spearhead a lobby in favour of the protocol. The voice of reason, David Schindler, recent winner of the \$1-million Gerhard Herzberg Canada Gold Medal for Science and Engineering, has also injected some sanity into the debate. He pointed out that manufacturers and politicians who decry the costs never look at the other side of the balance sheet. Dr. Schindler asked:

What is it going to cost to have cities without water? What is it going to cost for increased water treatment?...The warning signs are there that we are already overtaxing our water. We have politicians saying that we can't afford Kyoto. Do they think that greenhouse warming doesn't affect water supplies? We are in dire straits and it's going to get worse.

The Queen of Sweden acknowledged Dr. Schindler's immense knowledge of water by awarding him the first ever Stockholm Water Prize, the equivalent of a Noble Prize for limnologists.

It is high time that business leaders, provincial leaders and federal government leaders heed the sane warnings he gives about what our country faces. If we must reduce the potential disaster that is climate change until it fits into a ledger book, then we should listen to the real experts in that field — the insurers.

Paul Kovacs is Senior Vice-President and Chief Economist for the Insurance Bureau of Canada and Executive Director for the Institute for Catastrophic Loss Reduction. Here is what he says:

Early action to address climate change is essential, in part, to address the growing threat of rising losses from extreme weather. Others are better qualified than insurers to determine the specific actions that will be most effective, but the insurance community does believe in the importance of action now, ideally within an international framework that is widely accepted.

This is not a radical environmentalist speaking.

Why does the insurance community hold that view? It has seen damage around the world caused by natural disasters increase nine-fold since the 1960s and insured losses increase fifteen-fold. In Canada, property damage in the last decade exceeded \$6 billion. Flash floods, ice storms, coastal flooding — these are some of the things that insurers predict will increase as the world warms.

Not surprisingly, it is the insurers who talk about public investment in infrastructure. They talk about the need to have adequate storm sewers and to think about road design. It is the insurers who talk about climate-appropriate building codes and investment in structural safety measures such as dams, levees and sea walls. The Winnipeg floodway is singled out as the most visible Canadian investment in adapting to extreme events.

Are those who oppose the protocol crunching the numbers on building more mammoth floodways and other "adaptation measures"? What will prairie droughts cost? The Canadian Wheat Board last year estimated that the droughts would cost the Canadian economy about \$5 billion.

Canadians thankfully have digested much information in the last one and a half decades. When the question is put to them, they overwhelmingly say, "Yes, Canada should ratify Kyoto." A Decima Research poll in March found that 78 per cent of Canadians want our country to take part in the international effort. Even two out of three Albertans believe that the protocol should be ratified. The vast majority of Canadians are prepared to give their approval to the protocol without knowing down to the dollar what it will cost their families. They are prepared to approve it because it is the life-affirming thing to do.

Perhaps they have heard the government say repeatedly that there will be no carbon tax and believe it. Perhaps they recognize that government has choices and many of the things we can choose to do fall into the category of "no regrets" options. Climate change benefits aside, these things are worth doing, as Senator Taylor told us in his address.

The options identified in the Tellus Institute report, for example, include a national program to improve energy efficiency in public buildings, commercial buildings and housing. Energy conservation measures quickly pay for themselves and keep on paying back in savings.

In the transportation sector, there are measures to promote telecommuting, car sharing and ride sharing. These things will reduce, not increase, the cost of getting to work. Incentives to move employees from cars to public transit and intercity travellers from cars to buses are also on the books.

For much of the 1990s, the federal government has resisted the pleadings of the Canadian Federation of Municipalities to simply change tax law to make tax-exempt transit passes legal and on an equal footing with free parking. Is this a measure that will cost Canadians billions, or is it just common sense?

Many of the measures are practical, cost-saving and efficient things to do that were proposed during the energy crisis of the 1970s. They were not put into place because oil prices fell. It matters not whether oil cartels or climate change drives the transition to alternative energy. Canada and individual Canadians will benefit from becoming more energy efficient and using less of a non-renewable resource.

Other so-called targeted measures are found in the government's recent discussion paper. They are so numerous that they would more than achieve our Kyoto target if Canada gets credit for clean energy exports. Enforcing speed limits on the highways, reducing idling by trucks, blending ethanol into all gasoline and capturing CO₂ released by coal plants in Alberta and Saskatchewan would move us another 10 per cent of the way.

I want to commend the authors of that discussion paper for clearly setting out the science of climate change and giving everyone the benefit, in broad strokes at least, of the work of the Analysis and Modelling Group and the 16 Issue Tables, as well as

the Canadian Council of Chief Executives. It is helpful to have a single reference point for the choices we have and an estimate of what each choice will achieve, although unfortunately costs are not broken down.

The folly, of course, is that after five years we still have a discussion paper and not a plan. We have a discussion paper and a process of further consultations that take us through the summer and into the fall. Of the four so-called options, only one has a clear shape. You do not have to read between the lines to know that the government favours the fourth option, the one that is least formed and most complex. The paper says it explicitly:

The government is interested in receiving input on whether this option provides the basis for a workable approach in meeting Canada's Kyoto target.

The paper gives us broad estimates of the "costs" of two options. Option one — the "broad as practical" domestic emissions trading system — would put carbon emissions into the marketplace and let the market decide who wins and who loses. Not surprisingly, it would have an overall positive effect on the economy but would be felt unevenly across the country.

• (1550)

Canada's GDP would be about half a percentage point higher by 2012 than it would be without the trading system, but Alberta's GDP would be half a point less than the 27.3 per cent increase projected under a business-as-usual scenario. No region of the country or any sector of the economy would be ruined. Yet, free marketers are opposed.

The cost of the third option, a mixed approach, is far greater. Canada's GDP would suffer slightly and Alberta's would suffer disproportionately. Sectors that would benefit under the first option would slip into a negative position.

Option four is much the same as option three but would have a much more complex system of allocating emissions permits that could address inequities and be the focus for endless discussion, debate, allegations of unfairness, challenges, appeals and, perhaps, legal action.

For five years, this government's approach to climate change could be subtitled "The Never-ending Story." The discussion paper, sadly, is more of the same.

In recent weeks, we have seen several political leaders suggest that we should follow the U.S. example, that we should opt out of the protocol and develop our own plan.

The Hon. the Speaker pro tempore: Honourable Senator Spivak, I am sorry to interrupt you, but your allotted time is completed.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I am inclined to give the Honourable Senator Spivak the time required for her to finish her remarks.

[English]

The Hon. the Speaker *pro tempore*: Please proceed, Senator Spivak.

Senator Spivak: The reason most often cited is that we must find ways to remain competitive with the U.S. There are very persuasive counter-arguments to that fear.

First, we can become more competitive by responding proactively to technological change. In Japan, a study by Shonan Econometrics predicts that proactive implementation of Kyoto would increase the country's GDP by 0.9 per cent, or \$47.3 billion. In Europe, studies of the costs and benefits of EU ratification, without the United States, also suggest an overall gain. European industries would get a head start in developing innovative technologies that reduce emissions.

Professor Kornelis Blok, co-author of a report by the Dutch firm ECOFYS, states the following:

If the U.S. does not ratify Kyoto and the EU and Japan do, they will gain a competitive advantage.

As Michael Porter said to Canada a decade ago, to be green is to be competitive; if you are not green, you cannot be competitive.

There is no reason on earth that our nation should miss out on that benefit — unless we respond passively to the challenge and refuse to use energy more wisely.

Second, we have an obligation that goes beyond our desire for a GDP that outperforms other nations. It is greater than our last-gasp defence of technologies that in time must be replaced. It is our obligation to people everywhere on our small planet and to our own future generations.

Third, as Americans know well, our competitiveness is influenced by many factors, not the least of which is the value of the Canadian dollar. The government's competitiveness review also considered whether investment would flow out of Canada if we ratified the protocol. It concluded that there might be an impact, but it saw other factors at play, such as labour skills, tax levels, investment incentives and many others.

The Kyoto protocol, for all its detractors, is the only game in town, globally. It offers the best hope for low-cost emissions reductions through the Clean Development Mechanism, the CDM, which allows us to get credit for work with Canadian technology in developing countries and through a worldwide emissions trading system. It is, to be blunt, a meagre first step. To stabilize greenhouse gas concentrations in the atmosphere and secure a healthy climate, we will have to ratchet back to carbon emission levels of the 1950s by the end of this century. Then the world will have to cut levels in half again and return to the levels of the early 1900s. What hope have we of doing that if we cannot honour a commitment for a 6 per cent cut in 1990 levels after a decade of discussion?

We have a good example of what can be done. Under the 1987 Montreal protocol, the use of ozone-depleting chemicals has declined 90 per cent globally, at a modest cost, far less than what was predicted. In 1980, the U.S. Environmental Protection Agency proposed that the U.S. go it alone on chlorofluorocarbon emissions and gave advance notice of regulatory methods of control. In response, the Alliance for Responsible CFC Policy, a consortium of producers and industrial users, lobbied so effectively that the plan was defeated. A year later, the Chemical Manufacturers Association released a study that claimed that ozone levels had increased during the 1970s. In the mid-1980s, the chief manufacturer, DuPont, admitted that it had given up looking for alternatives to chlorofluorocarbons five years earlier. In fact, the company was expanding CFC production in Japan and introducing it in China.

It took a Canadian minister of the environment to convene the Toronto conference on climate change. It took the conference and the discovery of an ozone hole in the Antarctic to propel world leaders to sign and signify the Montreal protocol. Once there was the will, the way proved less difficult and less costly than industrial opponents led anyone to believe.

Honourable senators, has our government lost the will to lead? If we opt out of the protocol, will the climate change treaty enter into force and the protocol become an instrument of international law? In all likelihood, it will, because of the countries that have already announced their intent to ratify and have come close to meeting the requisite 55 per cent of emissions of industrial and former East Bloc countries that it takes to put the protocol into effect. The U.S. aside, Canada's 3.3 per cent contribution is the next largest on the list and could be required in the event that Poland or other European nations retreat from the protocol.

How will history judge us if we refuse to cooperate with other nations in taking modest first steps? We could lead by example and be deserving of the good international reputation that our ministers of the environment and our prime minister earned in the 1980s and the early 1990s. We could allow our current minister, who is doing a fabulous job trying to get this through, to hold his head high in Johannesburg next September. After all, he is the first Canadian ever elected President of the Governing Council of the United Nations Environment Programme. For those who value optics, there is ample reason for us to ratify sooner rather than later.

In closing, I should like to leave you with these thoughts from Christopher Flavin and Seth Dunn of the Worldwatch Institute: "There is growing awareness, even in traditional foreign policy circles, that climate change shares characteristics with terrorism: it is a new and looming threat to global security and human well-being of which experts have warned for more than a decade. It requires a response with short-term costs that are worth bearing and it cuts across borders and thus merits greater international collaboration."

The Johannesburg summit provides an extraordinary opportunity to move ahead. If Canada and other nations have the will to ratify the protocol before the summit, we can signal all governments and all industries, no matter where they reside, that the energy future is here and the global effort to face climate change is at last on the advance.

Hon. Nicholas W. Taylor: Honourable senators, may I be permitted to ask the honourable senator a question?

The Hon. the Speaker *pro tempore*: Senator Spivak, will you take a question?

Senator Spivak: Yes.

Senator Taylor: The honourable senator mentioned my home province, which probably has a bigger "Flat Earth" membership than any other province in Canada.

Nevertheless, is the honourable senator aware that a survey done by the *Edmonton Journal*, which is Southam's northern branch, last week, showed that the oil and gas industry was split 50/50 on whether its members wanted Kyoto, possibly because they found out that carbon dioxide is pushed into the ground to get the oil out. They are now importing CO₂ from the U.S., and the U.S. is subsidizing it. They thought, perhaps, that they could manufacture their own CO₂ to get out their own oil.

Was the honourable senator aware that this happened?

• (1600)

Senator Spivak: I was not aware of that, but I did forget to mention one thing about Alberta. Emissions have decreased to some extent in Alberta and no jobs have been lost. All kinds of jobs have been created. The whole argument about jobs is full of hot air.

The Hon. the Speaker *pro tempore*: Honourable senators, if no other honourable senator wishes to speak, this inquiry is considered debated.

CHALLENGES IN FOREIGN POLICY

INQUIRY—DEBATE ADJOURNED

Hon. Pierre De Bané rose pursuant to notice of March 21, 2002:

That he will call the attention of the Senate to what he regards as the top ten foreign policy challenges facing Canada.

He said: Honourable senators, it is my pleasure to address you today on a subject of considerable importance to our country: the top foreign policy challenges facing Canada.

As honourable senators know, Canada's international relations are of ongoing concern to the Standing Senate Committee on Foreign Affairs, of which I am a proud member. My colleagues on the committee all share the view that Canada's destiny is inextricably linked to the destiny of the rest of the world, for better or for worse. We believe that no one in Canada will enjoy prosperity for long if the rest of the world is not stable and at peace. For this reason, an enlightened foreign policy is very definitely in the interest of Canadians. We on the committee and

in the Senate as a whole are dedicated to contributing to the formulation of that policy. This is the spirit in which I offer my comments today.

In this regard, I should like to pay special tribute today to the Honourable Bill Graham. All of us who have had occasion to admire his superb work as Chairman of the House of Commons Standing Committee on Foreign Affairs and International Trade know that he is clearly one of our best-prepared foreign ministers ever. I have no doubt that we will have many occasions to admire his achievements as our country's Minister of Foreign Affairs. I know I speak for all honourable senators in wishing him well. The decisions that Minister Graham has made since assuming his responsibilities as head of Canadian diplomacy promises a foreign policy bearing the stamp of the Canadian values of idealism, humanism and solidarity that reflect the principles that made the foreign policy of Lester B. Pearson deserving of the Nobel Peace Prize. I wish to pay tribute here to the visit of Minister Graham last week in the Middle East.

Beyond the contribution we can make to the minister and to foreign policy development, there is a second reason that I encourage honourable senators to raise their voices on the subject of foreign affairs. It is my belief that one of the most important services senators can render their fellow Canadians is to show their awareness, consideration and debate of the serious international challenges facing our country and the world so that as many Canadians as possible may participate in national dialogue on these issues. These are the issues that, above all, will determine the kind of country we bestow to our children and grandchildren; yet, they are too often treated as the exclusive preserve of elites.

It is for these reasons that I should like to share my views with honourable senators today on what I regard as the top 10 foreign policy challenges facing Canada. Let me explain that I have chosen the top 10 challenges because that number seems to include most of the major issues and because I am aware that top 10 lists are popular these days with the young. It is to young people most importantly among all Canadians that I direct my comments. As they would expect, I will approach the list from the bottom and work my way up to the top.

As the rules of the chamber do not allow me to deliver the full text of each of those 10 priorities, I will endeavour to make a special printing of the complete text of these 10 priorities.

[Translation]

The 10th challenge, honourable Senators, is reforming our instruments of foreign relations. In observing the world scene and the way most governments are organized to deal with the ever-shifting global tableau, I am sure I am not the only person to marvel at the significant change that has taken place over the years on the world stage and the very limited corresponding change in the instruments and processes governments use in defining foreign policies and managing international relations.

We just have to think about some of the incredible changes that have taken place that were unimaginable even twenty years ago, for example using the Internet to communicate with someone who lives around the corner or at the opposite end of the world. Both take the same amount of time and cost the same amount of money.

Our traditional approaches, like those of most countries, continue to be based for the most part on Metternichian concepts that date back beyond the Congress of Vienna. In my schooldays, the period introduced by the Congress was sometimes called "modern history"—I think we have to recognize that it should now be re-labelled "pre-modern"—and foreign policy instruments and processes for today may have to be radically transformed to reflect that fact.

Does it serve a purpose for us to distinguish between a foreign department and domestic departments in a world in which every domestic department has substantial international interests? Are domestic departments and agencies properly equipped and organized to meet their inter-related international and domestic challenges—which might be called "inter-mestic" challenges? Are the processes of interdepartmental and intergovernmental co-operation sufficient to meet the international challenges facing every level of our federation? Are embassies and the protocols of traditional international relations still relevant, useful and worth their high cost? Are the international multilateral forums up to the challenges facing them? Should all the domestic and international instruments of foreign affairs not be "re-invented" or at least refreshed to counteract the natural sclerosis that afflicts all unchanging or unchangeable institutions? Should we change our structures and approaches in order to deal just with the superpower next door? Or with China? Or with Europe? And, if so, how should we go about it?

[English]

The ninth challenge deals with Latin America and the Caribbean. It relates to a strengthening of Canada's relations with our hemispheric friends and partners beyond the United States. Relations with the latter come up as a separate item later in my list.

Canada has special historical ties with the countries of Latin America and the Caribbean, which have been reflected recently in the Prime Minister's initiatives to strengthen our political and economic ties with them. They include the Summit of the Americas held in Quebec City last year and the efforts to achieve a free trade of the Americas agreement.

The free trade agreement initiative by itself demands a good deal of Canadian attention and effort, but my thinking about what Canada has to do with its hemispheric partners involves much more than just trade issues. Worldwide economic uncertainty may have serious and negative consequences for many of these countries. Argentina is a major example of the hardship and instability that can be unleashed by uncertain economic times. Other countries in the region may face similar difficulties in the months ahead.

In my view, the role of Canada must, in part, be one of leadership—the leadership of the honest broker. It may mean leading the Americans who, while having the deciding weight in the hemisphere, cannot always be counted on to muster the vision or moral credibility to achieve cooperative and positive outcomes. The U.S. has significant "baggage" in the area, and Canada is in a special position to help lead and broker constructive policies in a time of international stress. To do this, we need the right people, the right resources and a long-term strategy reflecting one of our highest foreign policy priorities.

• (1610)

Within this high priority, the government must, in my opinion, place particular emphasis on political and economic developments in Mexico, Venezuela and Brazil, where the long-term stakes are high and where failures would have intercontinental repercussions. Because Mexico is our next nearest neighbour and NAFTA partner, I think we must give it the highest priority of all and be prepared to go to considerable lengths to support its continuing political and economic evolution.

However, the recently attempted coup in Venezuela, a country with strategic importance in oil markets, shows that Canada must also be on guard against anti-democratic forces that lurk in the background whenever economic trends turn negative.

Nor should we forget our Caribbean neighbours, most of whom have strong links with Canada and Canadians. We should continue to offer all the assistance we can to encourage social development and growth in the islands.

We must be especially alert to the possibility of change and sudden crisis in Cuba. Democratization of its political structures and social conditions is long overdue, and the United States has political difficulties dealing with it. There may be a need for Canada to play a special role in a transitional Cuba, and we should be prepared for it.

The eighth challenge concerns international development assistance. After the selfish "me first" 1990s, it is refreshing to see the world once again turn its attention to the plight of the poorest countries and human beings. I applaud our own Prime Minister's leadership and growing attention to the particularly desperate plight of many parts of Africa. I am delighted that he will focus on this issue at the Kananaskis meeting of the G8.

In a speech in this chamber before Christmas, I suggested that Canada should try to play a special role in the G8 on behalf of the medium-sized and smaller countries which are not represented there. Prime Minister Chrétien's leadership on African issues is an excellent example of what Canada can achieve through this important institution.

Poverty and human misery have long been part of the human condition. It has been tempting to conclude that our previous international development efforts have amounted to nothing more than throwing money into a bottomless pit. Donor fatigue set in following the well-intentioned efforts of Canada and others in the 1960s and 1970s. Canadians are idealists and internationalists at heart, but sometimes it is hard to keep up one's idealistic hopes when success is not achieved quickly.

The situation is turning around for many reasons. For one thing, the government's success in calming the fiscal crisis has meant that there is more money available for aid, as was reflected in the December budget. Another factor may be recognition that globalization, which can bring humanity so many benefits, will go nowhere, if the effect of it is to accentuate global economic disparities.

The Deputy Secretary General of the Commonwealth Secretariat, Winston Cox, said recently, "If we don't address poverty, we will become its victims..." Mr. Cox's comment reminded me of the view strongly underscored on many occasions by that distinguished internationalist and Canadian, Ivan Head, when he was President of the International Development Research Centre, IDRC, and in his 1991 book, *On the Hinge of History*. He believed "mutual vulnerability" to be a concept vital to understanding the world in which we live. The view was summed up by one of his successors at the IDRC, Mr. Keith Bezanson, when he said:

There is a growing recognition that the development of the South and the survival of the North are merely two sides of the same coin.

Maureen O'Neill, the current President of the IDRC, reinforced this idea when she said at the Kroeger College Leadership Forum at Carleton University on February 8, 2001, in a lecture entitled "Globalization — Is Canada Ready?":

Canadians have an opportunity, I would say an obligation, to influence those decisions in ways that will improve the world, and improve our own future. Contributing to those improvements will serve our best interests. When we help to build a safer, more prosperous, more democratic world, we enhance and enrich the lives of Canadians.

A recent article in the February 2002 issue of the *Atlantic Monthly* by senior editor Jack Beatty pointed out that recent studies by Oxfam (Britain) and the World Bank have noted that:

...developing countries lose about \$100 billion a year owing to Western export subsidies and trade barriers. For agriculture alone these subsidies and trade barriers amounted to (i.e. cost the West) \$245 billion in 2000 — about five times what the West spent on development assistance that year.

[Translation]

The seventh challenge is strengthening the framework for international commerce.

The Hon. the Speaker pro tempore: I am sorry to have to inform Honourable Senator De Bané that his 15 minutes is up. Is he seeking leave to continue?

Senator De Bané: Yes, honourable senators.

The Hon. the Speaker: Is leave granted, honourable senators.

Hon. Senators: Agreed.

Senator De Bané: My fellow senators need not be reminded of the importance of Canada's continuing work on law-based global free trade. As a trade-dependent nation, we benefit more than most from globalized trade. Thus, the Doha Round of trade negotiations will present an important challenge for Canada. So will the continuing work I mentioned earlier on the Free Trade Area of the Americas Agreement (FTAA).

[Senator De Bané]

This does not mean that we should not take very seriously the various debates worldwide on the merits of globalization. There are honest and legitimate reservations about the emergence of forces and conditions that seem to intensify economic and social disparities and political polarization both within and among countries.

The article I just referred to in the *Atlantic Monthly* made the serious charge that "the West has failed to live up to its promises...(it) has required the rest (of the world) to open their markets without reciprocating commensurately." If this is true or seen to be the case in the Third World, we should not be surprised if globalization is seen as a threat and not a blessing by much of the world, notwithstanding the clear benefits it offers to a trading country like Canada.

This means that we must put a high priority on building and using international multilateral forums like the WTO to establish and enforce objective legal trading rules and standards. Canada must also focus on the strengthening of the international regulatory system outside the realm of trade, which will lead to the creation of a structure in which globalization will benefit not just the rich and powerful, but everyone.

Here, I wish to pay tribute to the recent election of the Honourable Sergio Marchi as Chairman of the General Council of the WTO. This is eloquent proof of the exceptional talent of Mr. Marchi and of Canada's ability to provide leadership in the world when it comes to liberalization.

The sixth challenge is undoubtedly that of Asian economic and security issues. As I look at the huge expanse, population, creative energy and wealth of Asia, I keep returning to a realization that was commonplace ten years ago before it was somewhat eclipsed by temporary economic developments. It is a realization that in my opinion remains true. It is that Canada's long-term economic and security interests are principally bound up in Asia. Whither Asia, thither Canada!

The Senate Standing Committee on Foreign Affairs carried out a major study of the situation in Asia in 1997-8 in connection with Canada's Asia-Pacific policies and the disappointments arising out of economic crisis in the region. It was hard to be optimistic about the situation then. The area continues to hold as many concerns as it does hopes for Canadians. The Japanese economy is the second largest in the world. We can now see that China's gross national product will soon eclipse all others. Then there are the multiple security issues — nuclear arms and tension between Pakistan and India, instability in Indonesia, a starving missile-exporting North Korea and the armed stand-off between China and Taiwan, just to mention some of the most frightening.

• (1620)

Clearly Asia is important for Canada and for the stability and prosperity of the entire world.

I wish to elaborate on one of all of the points that I mentioned: the tension between India and Pakistan, both the homelands of many Canadians. They are rattling their nuclear sabres. Tensions between them are once again running high over the festering sore of Kashmir, aggravated by vicious terrorist attacks in New Delhi.

Both countries have been remarkably cautious in dealing with this explosive mixture, and their governments are to be congratulated. It is, however, a potentially dangerous flashpoint and its potential for destabilization reaches far — as far as Canada.

[English]

Challenge number five is our transatlantic relations. Canada's traditionally close relationship with Europe has been considerably strained for many years and gradually eroded. Some of the stresses are natural and unavoidable — facts of life — and our foreign relations task is to make the necessary adjustments in response to them. However, other stresses and their repercussions are not inevitable and may be influenced by clear vision and wise policy. The underlying question is whether our transatlantic relations are important enough to us and to the Europeans to justify the considerable bilateral efforts required to arrest and reverse the erosion.

I have five strong reasons for believing that Canada needs to strengthen its transatlantic relations and that doing so should be one of the top priorities for our foreign policy.

First, we can never forget that over the course of four generations, Canada has been drawn into two ghastly world wars, almost into a nuclear conflict with the Soviet Union, and into several peacekeeping missions, because of our European relations. Canadian soldiers are buried all over Europe because we saw a connection between the threat of tyranny in Europe and the security of the rest of the world. Canada cannot turn its back on a region with that kind of history and that kind of potential for trouble.

A second reason to revive our relations with Europe is our historic and cultural ties with it and the fact that it is the ancestral home of many Canadians. Canadians clearly share this view. Their strong support for Canadian military and peacekeeping efforts in Bosnia and Kosovo has shown their attachment to the transatlantic relationship.

The third and perhaps most important strategic reason for Canada's interest in the transatlantic relationship is our traditional role as "mid-Atlantic" intermediary between the United States and Europe. We have been able to play this role, sometimes at critical moments, since our size enables us to understand and empathize with the European perspective, and our proximity to the United States and our shared interest have earned us their trust.

The emergence of the United States in the post-Cold War period as the sole superpower has been accompanied by a tendency to interpret that role by unilateral methods that have put substantial strain on its relations with Europe. Indeed, a recent commentary by senior *New York Times* writer Thomas Friedman, reflecting unofficial but high level comments from within the Bush administration, suggests that the U.S. approach to its Afghanistan campaign has virtually brought an end to NATO. The end of NATO would have serious consequences for Canada. Canada's mid-Atlantic brokerage skills are perhaps more in demand right now than ever before. We must be prepared for such an important role in terms of foreign policy.

The fifth and final reason Canada should give high priority to its transatlantic relationships is the importance we must attach to the future of that other colossus, Russia. Last week, of course, President Bush in Russia and a historic, albeit imperfect, agreement to reduce nuclear armaments was signed between him and President Putin. The agreement signed by Presidents Bush and Putin to radically reduce nuclear inventories was a very important and welcome step towards a more secure world, one that I very much hope will be backed by further action to eventually rid the world of those threats to the planet.

We should not forget that Russia is our next-door neighbour to the north. With good fortune and a continuation of current positive trends, we may be able to take pride in having not just one, but two, longest undefended borders in the world.

Prime Minister Jean Chrétien's visit to Russia, where he met for over seven hours with President Putin, was definitely a major achievement in his foreign policy.

I will now turn to the fourth most important challenge to Canada's foreign policy, the Kananaskis meeting of the G8. There is no need to speak at any length about this priority, since it is evident that Canada's hosting of the G8 summit at Kananaskis is automatically a major foreign policy challenge. It is a challenge that the Prime Minister — the longest-serving head of government in the G8 — has already shown he can meet. However, there are reasons this year's summit will be more challenging than any previously hosted by Canada.

I alluded to the first distinct challenge at this year's G8 summit in my earlier comments about development assistance. Being one of the relatively less powerful G8 countries, Canada has an important role, that is, to reflect and represent other peaceable non-powers of the world, including countries marginalized by a globalizing world. I am delighted to see the Prime Minister fulfilling this role in the G8 by raising the problems of Africa as a major item on the agenda of the summit.

[Translation]

Priority number three is the issue of international security and co-operation in this area. One of the stark lessons of September 11, 2001 is that terrorists, criminals and madmen can do great damage by taking advantage of a globalized, interconnected, "horizontal" world in which governments have been slow to adapt their traditional "vertical" security and policing practices. Finding new ways to co-operate across traditional international boundaries will continue to be a major foreign policy challenge for Canada this year.

A few years ago, I was elected co-chair of a joint Parliamentary committee, which was to review our defence policy. The Honourable Senator Rompkey was the other co-chair from the House of Commons. He was my tutor, given that it is a field that he knows much better than I.

Our report warned about the emergence of new threats from non-traditional, non-state adversaries. Since then we have seen how the pace of communication and air travel has far outstripped our systems' ability to control and supervise large movements of

people, including relatively disorganized groups intent on doing harm as criminals or terrorists. Thus, the technological blessings of our age, with all their benefits, have also strengthened society's adversaries.

We are not accustomed in Canada to considering security and policing a category of foreign policy, in part because of peculiarly Canadian attitudes, but mainly because we considered them primarily domestic matters, which indeed they once were. But what we have been seeing as the world globalizes is a radical reformulation or extension of the concept of national space. The traditional dichotomy between international matters and domestic matters, which has given rise to our concepts of constitutions and governance, no longer fully describes reality. There is what might be called a new combined international/domestic, — or what I called earlier an "inter-mestic" — reality, which is both domestic and international at the same time.

• (1630)

It is a sign of the times that Parliament may have to invent new words to represent the new categories of reality. However we may describe it, our institutions and policies are struggling to come to terms with the new realities, especially in the areas of security, intelligence, defence and law enforcement.

[English]

The second highest priority for Canadian foreign policy is the Middle East. In my opinion, the most serious threats to the peace, security and future happiness of Canadians comes out of the sad and troubled Middle East. Addressing these threats and contributing to effective long-term solutions to the incredible misery in the region must be a very high priority for Canadian foreign policy. For this reason, I was pleased and impressed to read reports of our foreign minister's visit over this past week to that area.

Broadly, I see three major types of problems in the region, each of which has direct implications for Canada and Canadians. First, the continuing violence and hatred between Israel and Palestine is by far the most volatile and has the most far-reaching effects. This past year has been truly catastrophic for those of us hoping for a just and peaceful settlement to that conflict. The peacemakers made a major effort, but unfortunately they failed. As we have seen in the last few months, the warmongers on both sides took over, risking not only the future of both peoples, but also the security of the rest of the world, and we have seen that extremism on both sides polarizes opinion, forcing moderate and reasonable people to choose one bloodthirsty faction or the other. Countries like Canada, wishing the best for both peoples, are torn between two untenable alternatives.

Born in Haifa, Palestine, in 1938, to parents born in Egypt with roots in Lebanon and Syria, I had the privilege of arriving as a child in Canada as it was emerging from World War II and generously opening its doors to so many people affected by the upheavals of the time. As a result, I had the opportunity to grow up in this welcoming, free and truly democratic country where respect for differences is an integral part of the natural culture of Canadians.

[Senator De Bané]

For many months now, daily images of violence, and the attendant processions of dead and wounded, have brought the suffering of the people living in Israel and the Palestinian territories home to us. Who could suggest that mothers, fathers, children, husbands, wives and families who have lost those dear to them, their own flesh and blood, are not all suffering just the same on both sides of the conflict?

However, we realize as we look at the two peoples, the Israelis and the Palestinians, that the Palestinians have lived for over half a century in an intolerable situation which flies in the face of human dignity. I am not sure that Canadians, who enjoy the benefits of the Charter of Rights and Freedoms, have any sense of the situation in the Palestinian territories, where the people have been living for several generations with no rights whatsoever. I do not think we are as aware as we ought to be of the heartbreaking misery in which the Palestinian people live. This is a cancer of the body of world affairs and, if it is not cured, it will continue to kill for generations to come.

While I am bound to have strong feelings about developments in the region, I want to emphasize that I try to see them as a Canadian, with sympathy for the people on all sides of what sometimes seems to be an insolvable historical conflict. My sympathy and basic optimism, despite the gloomy evidence to the contrary, that peace and an end to the suffering is possible comes from my personal knowledge of good people on both sides of the conflict. Both sides of the Arab-Israeli conflict are involved in propaganda and demonisation, but at the heart of it all, on both sides, lies the suffering of people with much in common and their mutual hopes of building a secure life for their families and communities. These are the fundamental needs of all humanity and they can generate solutions.

It is in this hopeful light, despite all the violence, that I viewed the reports of a major proposal for a peaceful solution from Crown Prince Abdula of Saudi Arabia which was recently endorsed earlier this year at the Arab summit in Beirut. I visited Lebanon last week and had the honour to meet some of the people who made that summit possible, and I wish to take this opportunity in the Senate of Canada to pay tribute to the government of Lebanon and its efforts as a peacemaker in the region.

The Saudi proposal remains of fundamental importance because it addresses the two central issues of the conflict: land and security, not just for Palestine but the entire region. Although overshadowed by the violence in the area, I hope, nonetheless, that these proposals will provide a basis for an eventual solution.

In proceeding with them, I hope that the community of nations to be represented at the upcoming meeting of foreign ministers of Israeli, Palestine, the United States, Russia and the European Union will resist the temptation to address the issues in a fragmented way, because I am convinced that peace in the region is not possible if it is not approached in a comprehensive manner. This is why the issues of the Golan Heights and South Lebanon must be included in the negotiations that will, hopefully, be held soon.

Consequently, I can only strongly encourage the Canadian government to give its fullest support to these and any other ideas that offer some prospect for an end to the cycle of violence, revenge and hatred which has been holding the region in its grip for far too long.

Therefore, it is clear that Canada's foreign policy focus on this problem must be intensified at this crucial point, while continuing to keep a balanced, "made-in-Canada" perspective in our dealings with all parties to the dispute. Our policies and actions in the region must reflect Canadian values and interests, not America's or those of anyone else.

This is exactly the spirit in which Bill Graham, our foreign minister, astutely approached his meetings with Chairman Arafat and Prime Minister Sharon last Sunday. He made it absolutely clear that the Palestinians must acknowledge, without reservation, the right of Israel to exist within secure borders, and he did not hesitate to reflect the view of most Canadians, that Israel must understand it is absolutely essential that the Palestinians be allowed to live in dignity in their own economically and geographically viable country, and that the Palestinians must be allowed, without delay, to resume their lives and their businesses without further impediments.

Honourable senators, to conclude this point, our goal must be to end the conflict on a sustainable basis. This can only be done if justice, peace, honour and security can be guaranteed to the long-suffering peoples on both sides of the conflict. After all the recent destructions of communities, homes and social infrastructures, it can only be done with significant flows of assistance, including assistance from Canada.

A second and related issue for Canadian foreign policy in the Middle East stems from the fact that many of the countries in the region are literally breeding grounds for global insecurity. Fifty per cent of their populations are below the age of 20, and most lack basic needs. Many peoples who will become future Canadians are living in this situation and will bring its consequences with them to our shores. It is therefore in our interest, and in the interest of goodness, to address these heart-rending situations. If the problems of poverty and lack of opportunity for large populations of young people cannot be greatly alleviated, we cannot expect to find a peaceful solution to the race and belief based conflicts of the region.

The third focus for strategies in the Middle East must be of the threats to the region's energy resources. Two or three not necessarily friendly countries control the primary long-term sources of oil currently extractable for world markets in that region. They do not have complete control by any means, and North America has substantial alternatives, so I do not wish to exaggerate the potential problem. Nonetheless, a major disruption in the flow of Middle East oil would have huge economic repercussions around the world, and would even drive us into a full global depression, the likes of which has not been seen for 70 years. If that disruption were to take place next autumn, imagine the possible implications for Canada in the winter.

• (1640)

These are three of the most important reasons Canadian foreign policy must give high priority to the Middle East, and why

Canadians must be encouraged to understand and to contribute to solutions to these festering and frightening challenges.

Honourable senators, challenge number one is Canada's relations with the United States. This is at the top of my list of the foreign policy challenges facing Canada this year. I was tempted to put the Middle East at the top of the list, or international cooperation on security, because both of these are of extreme importance and urgency for Canada. However, in the end, I have concluded that Canada's relations with its great neighbour to the south will remain its top foreign policy challenge in 2002 and beyond.

As honourable senators know, the U.S. is no ordinary country. Indeed, we may need to invent special language and special categories for dealing with it. In this respect, I am reminded of a *New Yorker* cartoon that showed two people sitting at a table looking at one another. One said to the other, "You look so familiar but so different — are you Canadian?" We could turn that around for foreign policy purposes — the U.S. is both familiar and different. The familiar should not lull us into mistaking the significance of the real differences that exist in some of our interests, perspectives and traditions.

This reality has been severely underlined by unilateral American policies, notably, as they affect Canada, on softwood lumber — which, in my opinion, constitute a complete denial of the principles of NAFTA — and its recently adopted immense agricultural subsidies, which will do great harm to Canada and distort trade in food products all over the world. These do not seem to be the policies of a friend or of a country concerned about global trade liberalization. Worse still, they are policies that can only heighten the cynical view that much of the world seems to be adopting about the good faith of the United States. As their closest friend, we must do what we can to influence Washington to steer a wiser course for its own good.

Honourable senators, I will leave more detailed comments about our relations with the United States to another occasion. References to the U.S. throughout this presentation give ample expression to the range, importance and complexity of some of the issues on which we have to deal with the Americans this year and in the future.

However, while the myriad dimensions of our U.S. relationship present an ongoing foreign policy challenge for Canada, we must take careful note that it is not a matter of business as usual in 2002. September 11 and its aftermath in Afghanistan and elsewhere have had an enormous and understandable psychological impact on our American friends. It remains to be seen if it will be long lasting. In the meantime, and certainly throughout this year, I believe that we should expect many unprecedented issues, much less patience, and much greater danger to our national interests in our dealings with Washington.

It is even conceivable that the U.S. has been propelled, by September 11, out of its constructive post-Second World War phase. It may have entered a new and less benign long-term phase in its international relations and policies. Unlike tigers, countries can and do change their stripes under adversity. Certainly an impatient, unilateralist and self-centred United States would be a matter of great concern for Canada.

However, friends are supposed to help friends through hard times. Helping the Americans to restore their long-standing ideal of working for a better world, which has done so much for humanity since 1945, and helping them to rebuild their sense of confidence in team solutions should be seen as a major and distinct role for Canada this year. It is a role that we, as their closest friends, are almost uniquely positioned to perform.

Honourable senators, gearing up for and staying ahead of these challenges in our relations with the United States, rather than simply responding to them as they arise, should be the single highest priority in our foreign relations this year.

[Translation]

And so, honourable senators, you have my list of the top ten challenges facing Canadian international relations. I invite you to give them some thought and share your comments with me.

When you combine the ten challenges I have discussed, a few things become very clear. The first, as I mentioned at the outset of my remarks, is the importance of enlightened foreign policy for Canada and for the future of all Canadians.

Clear, too, is the fact that formulating and delivering our foreign policy objectives will challenge every component of the government, but especially the Honourable Bill Graham, our Minister of Foreign Affairs and his officials in the Department of Foreign Affairs and International Trade.

Again, I want to say how pleased I am with the choice made by the Prime Minister when he appointed a person as exceptionally competent as Bill Graham to lead Canada's diplomacy.

Thirdly, it is also clear that Canada needs broad and ongoing public debate on its foreign challenges and corresponding policies. But a much better informed public is vital to real public debate of these truly crucial issues.

Finally, I think it is clear that the Senate has a special contribution to make both in helping to build much needed public awareness and in advising the government on the enlightened foreign policy Canada needs to protect and promote the welfare of Canadians for generations to come.

In short, honourable senators, this discussion shows that we, in this beautiful Red Chamber, have foreign policy challenges of our own to meet. I consider myself very privileged and, indeed, challenged to be able to work with you in carrying out this important responsibility. Only in Canada could a child of an immigrant family possibly hope for such a privileged and vital challenge.

I thank you, honourable senators, for listening to my thoughts with your customary kindness and attention.

On motion of Senator Prud'homme, debate adjourned.

The Senate adjourned until Wednesday, May 29, 2002, at 1:30 p.m.

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OFFICIAL REPORT
(HANSARD)

Wednesday, May 29, 2002

—
THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Wednesday, May 29, 2002

[English]

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

CLIMATE CHANGE IN THE ARCTIC

Hon. Charlie Watt: Honourable senators, I should like to remind you of certain events that take place, beyond human control, and times when we, as humans, contribute to these uncontrollable events.

Over the years, I have made statements in this chamber, and also in caucus and committees, about what is happening in the Canadian Arctic with respect to climate change. More and more, climate change is becoming a recognizable reality. We are at a point where we, as Aboriginal people who live in and have a good understanding of the Arctic, are beginning to wonder out loud. At times, we have difficulty expressing ourselves and communicating information to our fellow Canadians, which is a barrier that contributes to a lack of understanding between the North and the South. However, no one is to be blamed. That is the nature of reality.

Honourable senators, I commend to you an article that appears in today's *Ottawa Citizen*. It is well-written and makes me proud that I am no longer one voice. I hope to hear more voices talking about climate change, not only Aboriginal voices. We need your help today and tomorrow. Hopefully, in return, we can all live in harmony, without having to worry so much about what will happen to the fabric of our environment.

The article is entitled "Inuit watching their world melt away." I would ask honourable senators to read this article carefully. If a certain phrase is confusing, please ask me. As a senator and as an individual, I have traditional knowledge that was passed on to me from my ancestors. In other words, I can project and I can read the land.

The Hon. the Speaker: I regret to advise the Honourable Senator Watt that his three minutes for Senators' Statements have expired.

Senator Watt: Would the honourable senators allow me to complete my remarks? I will not take much more time.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Please proceed, Senator Watt.

Senator Watt: As I say, I also hold traditional Aboriginal knowledge, along with Senators Adams, Gill and Chalifoux. It is not easy for us to say that we hold this knowledge, yet it is very

important to us. We may not be able to explain how we hold this knowledge and how we carry out our responsibilities. No Aboriginal can explain that clearly.

I want all honourable senators to know that we will help with the issue of climate change as much as we can. We will do what we can to give honourable senators pertinent information. We need your help.

I thank honourable senators for giving me the time to express my thoughts and feelings. Hopefully, we will get to the bottom of the issue of climate change because it is a very important one.

Hon. Senators: Hear, hear!

• (1340)

[Translation]

UNIVERSITY OF MONTREAL CHAIR ON HEALTH CARE FOR THE AGED AND THEIR FAMILIES

Hon. Lucie Pépin: Honourable senators, I would like to draw to your attention today the significant support provided by the Desjardins movement to the activities of the Université de Montréal's research chair on health care for the aged and their families. This chair, which was created in 1998, is the first of its kind in Canada.

The Chaire Desjardins focuses mainly on the development of scientific support for health care for the aged and their families. In this greying society, we appreciate the practical solutions proposed by this chair for the problems experienced by families who have an elderly member either at home or in an institution.

It is a known fact that it is usually women who devote their time and energies to the ill or elderly members of their family, sometimes sacrificing their own health in the process. The incumbent of the chair, Professor Francine Ducharme, reports that today 90 per cent of these caregivers are women. They devote the same amount of time to caring for their parents as they did to parenting, that is about 18 years, an enormous amount of time.

The objective of this research chair is to support these caregivers. The Desjardins research chair set out, in its five-year research plan for 1998-2003, that its research will focus on three aspects. The first concerns the development and assessment of innovative and effective intervention models for use with seniors and their families, whether at home, in institutions or in rehabilitation. The second deals with the delivery of nursing services to clienteles whose requirements are little known. The third deals with assessing pain in cognitively impaired seniors, with a view to finding clinical tools that will make it possible to measure pain.

In addition to developing new knowledge, the chair also offers instruction to post-graduate students and provides for the transfer of knowledge or translation of theory into practice.

Honourable senators, given the multitude of pressures our health systems have to cope with, we cannot do otherwise than to encourage initiatives of this type, since they make a great contribution to improving the quality of care to our seniors. I invite all of you to join with me in warmly congratulating all the individuals and businesses involved in this marvellous project.

[English]

TENTH ANNIVERSARY OF HEADQUARTERS LIONS GATE JAMATKHANA

Hon. Mobina S. B. Jaffer: Honourable senators, on Sunday, May 5, 2002, a wide cross-section of residents of Vancouver's North Shore joined the local Ismaili Muslim community to mark the tenth anniversary of the Headquarters Lion's Gate Jamatkhana in North Vancouver, British Columbia.

Jamatkhana means "a place of worship and community." For Ismaili Muslims of North and West Vancouver, it is a place for prayer and reflection and also has space for social interaction, education, governance and intellectual search.

In 1982, His Highness the Aga Khan, on the occasion of the foundation ceremony of Lion's Gate Jamatkhana, the first purpose-built Jamatkhana in North America, stated that it would be:

...a place of congregation, of order, of peace, of hope, of humility, of brotherhood. From it should come forth those thoughts, those sentiments, and those attitudes which bind men together, which unite. It has been conceived and will exist in a mood of friendship, courtesy and harmony.

The award-winning architecture of the Headquarters Lion's Gate Jamatkhana building reflects the Islamic ideals of balance and symmetry, as well as the dual dimensions of religious and social life.

At the tenth anniversary event, guests were addressed by Mr. Nazir Mulji, President of the Ismaili Council for British Columbia, his Worship Mayor Don Bell of the District of North Vancouver, and the Honourable Katherine Whittred, representing the Government of the Province of British Columbia. John Nuraney, the first Muslim MLA, was also present.

Pastor Richard Stetson, of the Gloria Dei Lutheran Church, offered closing remarks and prayers. The church and the Jamatkhana are located side by side, sharing the same parking areas. Pastor Stetson spoke of the cooperation that has existed between both faith groups over the past 10 years. He emphasized that the common heritage that Christianity and Islam share is gaining a new profile among us, as we learn once again that respect for one another is essential in a multi-faith environment.

Honourable senators, events like the tenth anniversary celebration of the Headquarters Lion's Gate Jamatkhana help to remind us of all the enrichment within our pluralistic society in Canada and that, indeed, we all share the same values of fostering mutual acceptance and of caring for one another in order to build better communities for all Canadians.

[Senator Pépin]

CONGRATULATIONS TO NATIONAL CAPITAL COMMISSION

Hon. Laurier L. LaPierre: Honourable senators, I stand to congratulate the National Capital Commission for the magnificent flowers, most recently the tulips, and trees that now bloom all over the lands that belong to the Canadian people and which have been entrusted to the National Capital Commission for safekeeping in the National Capital Region of our beloved country. They do marvellous work and they do it year after year.

[Translation]

We are indebted to the National Capital Commission for helping develop our National Capital Region with beauty and splendour. Let us hear it, for the National Capital Commission!

[English]

GOVERNMENT MANAGEMENT OF THE ECONOMY AND THE COUNTRY

Hon. Gerry St. Germain: Honourable senators, over the last several years I have repeatedly, in my questions, statements, speeches and committee work, raised the general issue of Canadian prosperity. Canadians have been blessed to live and raise our children in a country that has so much to give, so many opportunities for our people to realize their hopes and dreams.

As a representative of Western Canada, in particular British Columbia, I have questioned the government about its handling of the economy and the general management of our country. Over the last few months it has become clear that the government did not plan ahead for renewing the softwood lumber agreement. To survive in business, one must have leadership, one must have business plans and one simply must do something in advance of change or crisis if one is to prepare for what will come.

Honourable senators, this government has been drifting for eight years. What is it costing us? It is costing the B.C. government badly needed tax revenues to pay for health and education. It is costing tens of thousands of good B.C. jobs. These people want to work. They and their families have been tossed out into the street by an uncaring government, and they are not alone. Our farmers have been, and continue to be, neglected. These people have been placed in an untenable position. Like their native neighbours before them, they have been pushed to the edge of a chasm, their economic futures in peril.

Honourable senators, I am deeply concerned. Economic problems are not easy to resolve, but they can be fixed and they must be fixed. Challenging times demand leaders who are doers, who stand for something, but mostly stand up and deliver the goods to meet the needs of the people at all times.

Yesterday, the Prime Minister expressed his frustration to President Bush over American protectionist measures taken on softwood and agricultural trade matters. He said that Mr. Bush blamed Congress for the problems, and then the Prime Minister rebuffed the President, saying that he passed the buck.

The trade relationship between Canada and the United States is undoubtedly at an all-time low and Canadians are suffering as a result. Rebuffing our largest trading partner is not a winning formula. Announcing a Liberal caucus task force to increase dialogue between Canada and the United States highlights the government's leadership inabilities. The government has failed to persuade the U.S. government to end protectionist policies that are damaging Canada's agriculture and lumber industries, and the government has failed to implement offsetting trade injury measures for the agriculture and lumber sectors.

Perhaps the time has come to call on those Canadians who have proven that they know how to build healthy trading relationships with our partners, the likes of the United States of America, trading relationships that will put hope and opportunity back into Canadian households.

[Translation]

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in the gallery of Dr. Yervant Hakimian, who is a professor and the head of the Cardiology Department at the University of Beirut, in Lebanon. He is the guest of Senator Morin. On behalf of all senators, I welcome him to the Senate of Canada.

Some Hon. Senators: Hear, hear.

• (1350)

[English]

QUESTION PERIOD

PUBLIC WORKS AND GOVERNMENT SERVICES

AUDITOR GENERAL'S REPORT— SPONSORSHIP PROGRAM

Hon. Terry Stratton: Honourable senators, I should like to continue along yesterday's track with a question regarding ethics because it is disturbing us all, including many on the other side of the house, I am sure.

The May 2002 report by the Auditor General of Canada to the Minister of Public Works and Government Services concerned three contracts awarded to Groupaction. The three contracts were valued at \$500,000, \$550,000 and \$575,000, respectively. The Auditor General reports that the government files on the three contracts are so poorly documented that many key questions surrounding the selection of the contractor remain unanswered, and I will name a few.

She found that the documentation Groupaction produced on the second and third contracts had similarities because the government itself called for similar work in both contracts. It is not clear why the government awarded the third contract in 1999.

The government did not receive everything it contracted for and paid for. Key elements of what was specified in the contracts were never delivered, and no one has been able to find a report for the second contract, for which the government paid \$549,990.

Officials approved payment for work that varied considerably from what the contract specified. In a few cases, payments were approved with the knowledge that the requirements of the contract had not been fully met. Payments were made, we are told, for verbal advice, but no such advice was either stipulated in any of the contracts or documented as having been received.

Could the Leader of the Government in the Senate please address what transpired. Will the new edict, the proposed new ethics code, address these issues?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. As he knows, the Auditor General, after examining those contracts, decided to conduct a broader investigation of all contracts that had been awarded in the sponsorship program, of which these three were examples. The Auditor General was concerned that if those three that she examined did not meet the qualifications she felt were essential and the standard she thought was necessary for good government practice, she wanted to learn for herself how widespread that was.

As I have indicated in this chamber before, I have absolute confidence in the Auditor General and in the examination that she will conduct, as does the Government of Canada.

Further, the RCMP has announced that it will be conducting its own investigation into whether any criminal activities were involved in the awarding of these contracts.

However, it is important to remember that the government conducted an internal audit after these contracts had been awarded. That internal audit indicated that changes needed to be made. Those changes were made. Further, the new Minister of Public Works has made a decision that no sponsorship contracts will be entered into by the Government of Canada until he is absolutely satisfied that the I's are being appropriately dotted and the T's are being correctly crossed.

Senator Stratton: Honourable senators, I thank the minister for her answer. I hope these issues are addressed permanently in the new edict that is coming down.

CONTRACTS AWARDED TO GROUPACTION

Hon. Terry Stratton: Honourable senators, my next question is with respect to Public Works, which, for years, has always seemed to be at the centre of these types of problems. Has Groupaction been awarded any other contracts by Public Works or by any other department or ministerial office?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I am sure the honourable senator knows that I would not have, at my disposal, the particular information he is requesting.

Let us put some things in perspective. There are 60,000 contracts a year awarded by Public Works. We are not talking about a few here and a few there; we are talking about a huge number of contracts. I suspect that even within the corporate sector, which is not always as rosy as we sometimes like to think, if a company were to award 60,000 contracts annually, there would be some that would not, quite frankly, have all of the T's correctly crossed and the I's appropriately dotted.

Honourable senators, that is not to say that it is good enough to accept anything less than perfection. It is not good enough. We need to ensure that we have the highest possible standards at Public Works and that those highest possible standards are fulfilling all of the obligations that the Canadian taxpayers demand and have a right to receive from any government in this country.

Senator Lynch-Staunton: Why has it taken you nine years? You are nine years too late.

Senator Stratton: Honourable senators, I hope that the question I asked, as to whether Groupaction received other contracts, will be answered. It is important, indeed critical, for the country to know whether this company has received other contracts from other departments or ministerial offices.

Senator Carstairs: Honourable senators, let me add that all of the contracts are available on the government Web site. Therefore, they are available to the honourable senator opposite and to any other honourable senator.

It is because of that kind of transparency and accountability, which began with the previous administration and has continued under this administration, under access to information in a much broader access to information system, that we know much more about government activities than we have ever known before. Personally speaking, and I believe the Government of Canada concurs, that is a good and positive thing. Canadians should know how their money is being spent. Therefore, we have that information available to all of us as parliamentarians, but so, too, do Canadians.

[Translation]

CENTRALIZATION OF AUTHORITY IN AWARDING CONTRACTS

Hon. Roch Bolduc: Honourable senators, my question is for the Leader of the Government in the Senate. Traditionally, in public administrations, the awarding of contracts has been a relatively decentralized process. At the very beginning, 100 years ago, each department managed its own affairs. Under our system of government, there is always a tendency to centralize.

For 15 years, under Quebec's Premier Taschereau, who is a well-known figure, contracts were centralized. I remember that the then member for Bellechasse, Mr. Galipeau, was Minister of Public Works and Highways. He did not take any chances, he was having bridges and highways built. He even had bridges built where there were no rivers. Things were humming along.

I wonder if it is not somewhat the same thing in Ottawa. Are contracts being centralized in someone's hands to ensure that there will be control over patronage?

• (1400)

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the honourable senator addresses, to some degree, the two-edged sword of this issue. Theoretically, by centralizing, one should be able to have clear and more articulate standards, and we should have a better ability to explain to the people of Canada exactly what is happening. However, by putting all the contracts together under Treasury Board or Public Works, we place more authority in a smaller organization.

I do not know the perfect solution. To some degree, we are learning as we go along. What is important is that there must be accountability, there must be transparency, and the Government of Canada must always strive to the highest possible standards.

[Translation]

Senator Bolduc: It would be preferable to decentralize somewhat.

[English]

Senator Carstairs: Honourable senators, that would be a matter of opinion. The honourable senator will have his opinion, and I will have mine. However, the fundamental issue here is one about which we will not disagree, and that is that Canadians deserve to have their dollars spent in an effective and productive way.

SPONSORSHIP PROGRAM— POLITICAL DONATIONS OF CONTRACTORS

Hon. Gerry St. Germain: If we are to inform the Canadian public, honourable senators — and they are entitled to know — can the Leader of the Government in the Senate tell us how many of these 60,000 contracts are kicking back to the Liberal Party? What contributions are being made directly to the Liberal Party as a result of these contracts? In the case of Groupaction, and I understand other organizations, contributions have been fed back to the Liberal Party. Canadians in my region of the country would like answers to these questions; they want to know why this is occurring.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, every Canadian has a right to contribute to the political party of his or her choice. That right is one of the most fundamental principles of our democracy.

For many years, I have been a strong advocate of election finance laws. The stricter, the better, as far as I am concerned. That is why we have public disclosure, each and every year, of all contributions. When I last looked into this — and there may have been a minor change since then — each contribution in excess of \$250 had to be disclosed. That is a very good thing.

It is up to parliamentarians to decide whether they wish to further tighten election financing laws, make them more strict. The principle I will adhere to in this matter is the stricter, the better.

Senator St. Germain: The Leader of the Government in the Senate made reference to transparency. The question of public trust is an immediate one; the transparency should be immediate as well. Canadians want to know now what is going on; they do not want to wait a year and a half to learn what large contributions have been made. If the minister agrees with transparency, then information on contributions should be made available to the general public now.

Senator Carstairs: If the honourable senator is referring to contributions that are made to political parties, as he knows, the legislation is very clear. By the end of December of each year, political parties that are registered in this nation must submit, to Elections Canada, a list of all donors. That list is then made public. Up to that point, that information, I suspect, is known only to the party headquarters person who receives the donation.

It is unrealistic to expect that information any sooner. As honourable senators know, there was a time in this country when that information was not available. It is now available on a yearly basis. I am not sure it can be made available more quickly than that.

INTERNATIONAL TRADE

UNITED STATES—RENEWAL OF SOFTWOOD LUMBER AGREEMENT—AWARDING OF CONTRACTS FOR PUBLIC AWARENESS CAMPAIGN

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my question is to the Leader of the Government in the Senate. Yesterday, the minister advised us that her colleague, Minister Pettigrew, announced that \$17 million would be provided for Canadian lumber associations, led by the Forest Products Association of Canada, to undertake a public awareness campaign in the United States of the softwood lumber crisis Canada is experiencing.

My first question is: Will the government undertake to table, in Parliament, a list of the public relations and communications companies that receive contracts from these lumber associations, through this \$17 million that is being made available? Second, does the minister know whether Groupe Everest or Groupaction will be one of the public relations firms utilized by this association, to which Mr. Pettigrew has given \$17 million?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the decision about who will be given those contracts will be made, not by the Government of Canada, but by the Forest Products Association of Canada. I am unable to verify, at this time, whether the Forest Products Association of Canada will make a report to the Government of Canada and, if so, whether that report will be made public. However, I will certainly put the wishes of the honourable deputy leader before the government.

Senator Kinsella: Honourable senators, from a public policy standpoint, does the minister not see some difficulty in having funds disbursed in this manner, as opposed to being administered either by the line department or by Public Works Canada, through a transparent bidding process? Does the minister not see some difficulty in simply transferring monies to a third party? From a public policy standpoint, would the minister agree that the danger

exists, that there will not be the kind of transparency — not that there is great transparency — that might exist if the activity were conducted by an operating agency of the Government of Canada that is accountable to Parliament?

Senator Carstairs: Honourable senators, the Deputy Leader of the Opposition asks some very interesting questions, which I will raise with the minister responsible.

FOREIGN AFFAIRS

INDIA AND PAKISTAN—DISPUTE OVER KASHMIR—SENDING OF EMISSARIES

Hon. Douglas Roche: Honourable senators, I have a question for the Leader of the Government in the Senate.

A few days ago, the government issued a statement expressing regret over Pakistan's intention to test several ballistic missiles in the ongoing dispute with India. Can the government do better? For example, has the government sent emissaries to the capitals of both India and Pakistan to tell those governments that they must stop their nuclear sabre-rattling immediately, that all of humanity will be affected by a nuclear war in that region and that it is the height of irresponsibility to pose such a danger to the world in the name of a disputed piece of land?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, Senator Roche raises a question this afternoon that is on the minds of a great many Canadians and, I suspect, citizens throughout the world. The situation there has been described by some as a powder keg. The situation is very complex; it has been ongoing since at least 1948 and the division of the subcontinent of India. Kashmir has been a disputed territory ever since.

• (1410)

The Government of Canada has called upon President Musharraf to live up to the commitments he made in his speeches on January 12 and on May 27, to fight terrorism and to end support for all cross-border infiltration. We have called on India to allow time for international diplomacy to work so that a catastrophic escalation can be avoided. We sent ministers to India in the fall and in the early part of this year to meet with officials, to explain our grave concerns about these events. Pakistan has been an ally in the war on terrorism in Afghanistan, and there have been discussions with Pakistani officials as well. It is a situation we all must watch carefully. We must make our best efforts to let each country know that we are watching, and we must counsel them to take action that is responsible, not only for their sake, but for the sake of the entire world.

Senator Roche: Honourable senators, in making our best efforts, I repeat my request that the honourable senator consider carrying forward to Minister Graham the idea of Canada sending emissaries directly to the capitals of India and Pakistan. In the context of foreign affairs, has the Leader of the Government in the Senate taken note of the extraordinary speech given in this chamber yesterday by Senator De Bané, entitled: "Canada's Top Ten Foreign Policy Challenges"? In his speech, the honourable senator pointed to Canada's relations with the United States as the top challenge we face. In that remarkable

speech, which I commend to everyone, Senator De Bané said that, as the closest friend of the United States, Canada must do what it can to influence Washington to steer a wiser course for its own good. He also said that friends are supposed to help friends through the hard times. He added that, as a result of September 11, we ought to help the United States to restore its long-standing ideal of working toward a better world.

Has the Leader of the Government in the Senate also noted the speech on foreign policy given by the Leader of the Official Opposition in the House of Commons? Mr. Harper's speech was remarkable for its short-sightedness in that he criticized the government for moving on a review of nuclear deterrence by NATO, for Canada advancing the land mines treaty, and for Canada opposing nuclear missile defence, all of which are supported by the Canadian public.

In carrying forward this advice to Minister Graham, would the honourable leader ask the minister to follow the advice of Senator De Bané and not that of Mr. Harper?

Senator Carstairs: Political partisanship being what it is, honourable senators, it is far more likely that the Honourable Minister of Foreign Affairs will accept the advice of Senator De Bané over the advice of Mr. Stephen Harper.

I was not in the chamber when Senator De Bané gave his speech yesterday, but he was kind enough to e-mail his comments to me. I have had a chance to look at them. Like the Honourable Senator Roche, I have a great deal of compassion for his comments.

I have not yet had the opportunity to read the speech of the Leader of the Official Opposition, but I have read the newspaper accounts of it. I must say that I feel somewhat offside with the positions taken by Mr. Harper. Again, that would be a glimpse of his political persuasion and my political persuasion, which are clearly quite different and at opposite ends of the spectrum.

The honourable senator's specific question about the use of emissaries is valid, and I will bring that forward to Minister Graham.

REQUEST FOR COUNTRIES TO SIGN NUCLEAR NON-PROLIFERATION TREATY

Hon. Marcel Prud'homme: While honourable senators are carefully watching the events unfold in Pakistan and India, they must remember how outraged former Prime Minister Trudeau was when India used Canadian technology to develop a nuclear bomb.

All honourable senators must listen to the views expressed by Senator Roche and propose to Minister Graham that he not only ask India and Pakistan to sign a non-proliferation treaty, but that he also ask the same of Israel, where the situation is immensely volatile for a country that holds over 200 nuclear arms. This is public knowledge now, although it was forbidden a few years ago, and I was criticized for stating the obvious. The matter has even been debated in the Knesset. Is it not time for Canada to promote equality for all by asking all of the stated countries to sign the non-proliferation treaty?

Hon. Sharon Carstairs (Leader of the Government): The honourable senator is quite correct in stating that we should encourage every country of the world to sign the non-proliferation treaty because it would make for a safer world community. However, I am not so sufficiently naive in my sixtieth year to think that all who sign such agreements necessarily obey such agreements. I concur completely with the honourable senator's desire to have these countries deal with this issue.

ELECTIONS CANADA

RAISING OF FUNDS OUTSIDE TAX CREDIT SYSTEM BY MEMBERS OF PARLIAMENT

Hon. Lowell Murray: Honourable senators, I wish to return for a moment to the question of political fundraising. I agree completely with the position of the Leader of the Government in the Senate concerning the need for further and stricter reforms in that area. However, has she taken note of a practice, reported on as recently as this weekend and apparently current among some Liberal MPs, specifically in Toronto, of raising considerable sums of money outside official party channels? The money thus raised is not subject to the tax credit and, therefore, the donors and the amounts are not disclosed.

Honourable senators, I am somewhat beyond my sixtieth year, and I thought I could never again be startled by anything in politics. However, I was somewhat startled to see that report and an estimate, in the case of one MP, of a bank account in the amount of about \$250,000. When asked about this money, the MP in question refused to confirm the amount. However, he openly acknowledged that, yes, this is his practice. The cheques are made out to a member of Parliament "in trust." He explained it away by saying, "I do not use it for personal purposes. The money is used for political purposes."

Surely the Leader of the Government in the Senate will agree that this practice is grossly offensive to the spirit of our present political financing laws, and will agree that one of the first steps in any reform would be to draft a law to put an end to it. Meanwhile, it is incumbent upon the Prime Minister, in that capacity and as Leader of the Liberal Party of Canada, to lay down the law and to insist that the practice cease immediately.

Hon. Sharon Carstairs (Leader of the Government): I fully agree with the honourable senator that politicians should use the tax credit because that is why it was established. That is what makes the system accountable.

This issue reminds me of an incident that occurred shortly after I became the Leader of the Liberal Party in Manitoba. I was sent a cheque for \$10,000 by a well-known Liberal in the community, that was to be for my personal use, because there were expenses of a politician that should be covered. I wrote him back, saying that I had delivered the cheque to the Liberal Party of Manitoba and that, if he wished to have it returned, I would have the party return him a cheque for \$10,000. He was clearly too embarrassed to ask the party for the money back, so it became a legitimate donation to the party. It was funded and receipted, and therefore public.

• (1420)

I fully agree that there should be no donations to politicians who do not make use of the tax credit system, and I would certainly support such an amendment.

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, I wish to take this opportunity to introduce guest pages from the House of Commons.

On my left is Nicola Hope, who is pursuing her studies in political science at the University of Ottawa's Faculty of Social Sciences. Nicola is from Saint-Lazare, Quebec. Welcome.

As well, I should like to introduce Antonio Di Domizio of Montreal. He is pursuing his studies in the Faculty of Social Sciences at the University of Ottawa and is majoring in political science. Welcome.

ORDERS OF THE DAY

SURVEY OF MAJOR SECURITY AND DEFENCE ISSUES

REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the fifth report (final) of the Standing Senate Committee on National Security and Defence entitled: *Canadian Security and Military Preparedness*, deposited with the Clerk of the Senate on February 28, 2002.—(Honourable Senator Atkins).

Hon. Norman K. Atkins: Honourable senators, it gives me great pleasure this afternoon to rise to speak to the fifth report of the Standing Senate Committee on National Security and Defence.

Before I deal with the content of the report, I wish to extend my appreciation for a job well done to both the chair and deputy chair of this committee. Senator Kenny and Senator Forrestall set out a comprehensive work plan for the committee, dealing in some depth with all aspects of military preparedness and the issue of security, especially in the context of the September 11 attack on the World Trade Center in New York.

The committee travelled to many parts of Canada, meeting with members of our Armed Forces. I particularly appreciated the informal meetings we held with enlisted personnel and junior officers on the subject of quality of life in Canada's military. I have spoken previously on this subject, in the context of an inquiry set down by our former colleague Senator Cohen. These meetings gave myself, as well as other committee members, a deeper insight into the day-to-day concerns of the men and women on the front lines of our national defence and security forces.

I also wish to extend my appreciation to Ms Barbara Reynolds, our committee clerk, for all the organizational and logistical help she has given the committee. She has made the hectic life of a hard-working committee infinitely easier.

I also wish to congratulate Senator Michael Meighen on his very thorough speech in support of the committee report. I would have difficulty in disagreeing with anything he said.

Finally, I wish to extend my appreciation to Senator Michael Forrestall, our deputy chair, for all the work he has done in Parliament on behalf of Canada's Armed Forces. In this place, he has single-handedly held the government to account over the Sea King helicopter issue and the underfunding of our military.

Recent events have demonstrated how right Senator Forrestall has been over the years, as we now have no Sea King replacements, even on the remote horizon, and the military can no longer sustain our commitments to our allies. We have been forced to pull out of Afghanistan simply because, with this government's bad judgment, which resulted in cutbacks directed at the military, the army has been stretched to the limit. We do not have the available women and men to sustain our commitments.

As a result of the September 11 attacks, it has become evident that Canadian and United States defence are linked, as never before. No longer is North America, nor indeed Canada, the fireproof house that it was thought to be prior to the horrific events of last September. Therefore, our committee thought it appropriate to visit Washington, D.C., to hear firsthand the American plans for North American defence and to determine, for ourselves, an appropriate role for Canada, in these discussions.

We were pleasantly surprised by the reception we received in Washington. We were there for four days and were engaged in frank and open discussions with congressional committees on the Armed Forces and intelligence. We attended hearings of the House Armed Services Committee. One of the highlights was a private meeting with Secretary of Defence Rumsfeld. In Washington, we explored all of the relevant topics of mutual interest — unified northern command, NATO expansion, NORAD, the missile defence system and border security. I relay all of this to honourable senators so that you will have an appreciation of the background work and research that went into this unanimous report.

We did not arrive at our conclusions overnight. We met with many experts in the fields of military preparedness and national security, both here and in the United States, and we based our report and recommendations on the views we, as a committee, took with us, from the evidence presented.

Honourable senators, the last major review of Canada's foreign and defence policies was carried out by two special joint committees, established after the 1993 general election. The report of the Special Joint Committee on Defence, tabled in 1994, was prophetic in its evaluation of the world that was emerging at the time and the security and defence challenges faced by Canada.

While I do not want to dwell on the past for too long today, chapter 2 of the 1994 defence report identified the threats involved in the new realities of the post-Cold War world. I should like to quote three paragraphs:

A change in the threats is increasing — proliferation of conventional weapons, ballistic missiles, and weapons of mass destruction, nuclear, chemical, and biological, and now the new threat posed by the widespread laying of land mines.

A further trend is the emergence of religious fundamentalism as a factor in the security equation — both within states and between them.

These developments are ominous, not least because they are taking place outside the bipolar framework that provided a measure of stability even through the Cold War.

• (1430)

These prophetic words, written in the middle 1990s, have become our reality at the beginning of this new century. However, during the period between 1994 and today, government policy in relation to defence drifted and no coherent response emerged from the government, to address these identified threats.

We have moved through a period when the Department of Foreign Affairs, in conjunction with the Minister of Finance, set defence policy. In foreign affairs, we moved through the André Ouellet proposal of a UN rapid reaction force, to Lloyd Axworthy's human security agenda. During this period, the Department of Defence, because it occupies the largest single commitment of government funds to a government department, became the obvious target for spending cutbacks.

Honourable senators, we have also witnessed the expenditure of hundreds of millions of dollars to prop up the Prime Minister's decision to cancel the EH-101 helicopter contract.

This history of the last eight years is important because it represents a time of government neglect of our Armed Forces and the focusing of our foreign policy on a "feel good" human security agenda. The needs of our forces did not diminish during this period and neither did the government's willingness to put our Armed Forces in harm's way, in peacemaking or in peacekeeping operations around the world, including the war against terrorism in Afghanistan. Here at home, we witnessed first-hand their effectiveness in the Winnipeg and Saguenay floods and the Ice Storm that paralyzed much of Eastern Ontario and Western Quebec.

Up until now, our forces have been able to comply with this government's constant theme — "Do more with less." However, with the announcement that we are pulling out of Afghanistan, all of the government's actions and inactions regarding our military have come back to haunt us. It is embarrassing on the world stage, to our international reputation as a country and as a member of the G8, that we cannot sustain military commitments to our closest allies.

I believe that General Henault, the Chief of Defence Staff, is to be congratulated for standing up to this government on behalf of the military and saying "enough is enough." We do not have the people to sustain our commitments. Who knows what it will take to make this government move on helicopters or move on funding? However, at least with General Henault as CDS, hopefully the hesitation and low priority by this government toward our Armed Forces has been brought to an end.

Honourable senators, this state of underfunding cannot continue. That is the underlying thesis of the National Security and Defence Committee report on security and military preparedness.

Time has caught up with the neglect. The changing nature of our world, and the threats presented in the world have overtaken our ability, as a country, to adequately contribute to our own defence.

Honourable senators, as a member of the Standing Senate Committee on National Security and Defence, I support our major recommendations regarding the immediate need for an increase in Armed Forces personnel and for increased funding. Our first three recommendations are of vital importance in this regard: The Canadian Forces need at least 75,000 trained, effective personnel. Second, an immediate flow of \$4 billion into the budget of DND, is necessary. Third, future annual budget increases should be granted by the government, that are realistic, purpose-driven and adjusted for inflation.

In addition, the committee has set out recommendations dealing with various facets of international security, port security and coastal security, along with significant reforms in how we conduct airport security and the work of our customs and immigration officers.

The time has come for a serious government commitment to our military. Lieutenant-General Mike Jeffrey, Canada's top army commander, has presented a blueprint for the army, entitled: "Army of Tomorrow." He wants to build a technologically sophisticated and highly mobile army capability to meet the needs of the future. His idea is to create a niche army where smaller groups of approximately 100 women and men with special forces training, could contribute meaningfully to a combat situation.

However, General Jeffrey's plans and ambitions for our Armed Forces will come to nothing if the resources are not found to make them a reality. We also cannot continue to nickel and dime our Armed Forces and expect to be taken seriously in NATO or by our closest ally, the United States.

Honourable senators, I agree with our committee chair, Senator Kenny, when he says that he does not fear cooperating with the Americans in continental self-defence, especially, as he notes, if everyone agrees, in advance, on the roles each party will play, and as long as our government has the final word on anything that would happen involving our territory or citizens.

This is our new reality, and we ignore it at our peril. We are not immune from attack. We are not immune from disaster. It is time to take the debate over the future of our military to the people of Canada.

Honourable senators, the report of the Senate committee calls for a total defence review that would flow from a foreign affairs review. Foreign Affairs Minister Graham has promised both. We need both. However, the reviews must involve a wider dialogue with the people of Canada. These are the people who pay the bills through their taxes. These are the people who will ultimately benefit through the protection of our sovereignty. Now, perhaps more than ever since the Second World War, I believe Canadians are aware of their vulnerability to the world beyond our coastlines.

World events, such as the terrorist attacks on September 11, the war against terrorism in Afghanistan and the recent events in the Middle East, have made the possibility of attack here at home more real than at any time in the last 50 years.

The challenge for the government and the challenge for us, as parliamentarians, is to devise and implement methods by which this debate over the future of the military and its role in serving the people of Canada and our allies can be taken to Canadians, and their views sought and considered in a meaningful way.

Our military is ready for this debate. The real issue is whether this government, which has so sadly neglected the military and has so much to answer for in this area, will allow this debate to occur and then act on the conclusions of such a debate.

The question is one of timing. Work must begin immediately on a foreign policy and defence review. I hope that by changing ministers of defence at this crucial time, the government has not given itself an excuse to delay action on the military file for another six to 18 months. We hope that Minister McCallum will have the necessary clout at the cabinet table, to deliver the monetary resources so desperately needed by our Armed Forces. I also hope that one of the first places the new Minister of Defence stops is before our the Standing Senate Committee on National Security and Defence. We need to hear first-hand his priorities and the timing of these much-needed reviews. He has certainly been put on the hot seat.

Honourable senators, our military cannot wait any longer. The government must begin to move now. Even if it does move now, it will take months, or even years, to bring our military up to the level of preparedness that I believe Canadians would expect.

Hon. Senators: Hear, hear!

On motion of Senator Pépin, debate adjourned.

• (1440)

FOREIGN AFFAIRS

BUDGET—STUDY ON EMERGING DEVELOPMENTS IN RUSSIA AND UKRAINE—REPORT OF COMMITTEE REFERRED TO INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION COMMITTEE

On the Order:

Resuming debate on the motion of the Honourable Senator Stollery, seconded by the Honourable Senator Morin, for the adoption of the twelfth report of the Standing Senate Committee on Foreign Affairs (budget—study concerning Russia and Ukraine), presented in the Senate on March 25, 2002.—(*Honourable Senator Andreychuk*).

Hon. Peter A. Stollery: Honourable senators, with leave of the Senate, I move that the report standing in my name be referred to the Standing Committee on Internal Economy, Budgets and Administration, for its consideration.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Terry Stratton: Honourable senators, is there an explanation? Has Senator Andreychuk consented to this?

Senator Stollery: Honourable senators, I have spoken to the leadership, and I spoke to Senator Andreychuk before she went abroad. I did not know she would be back today. However, I think I have unanimous approval; it is not a very controversial item. It deals with the monies that the committee requires to table our report. It was approved by the steering committee.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

[Translation]

THE SENATE

MOTION AUTHORIZING BROADCASTING OF PROCEEDINGS AND FORMATION OF SPECIAL COMMITTEE ON RESOLUTION—DEBATE CONTINUED

On the Order:

That the Senate approve the radio and television broadcasting of its proceedings and those of its committees, on principles analogous to those regulating the publication of the official record of its deliberations; and

That a special committee, composed of five Senators, be appointed to oversee the implementation of this resolution.—(*Honourable Senator Gauthier*).

Hon. Jean Lapointe: Honourable senators, it is with considerable emotion and enthusiasm that I rise today to give my views on Senator Gauthier's motion. The debate on whether or not to televise the proceedings of the Upper House has dragged on for over three decades. It seems to me that, in the modern era of Internet, satellite and cell phone telecommunications, the Senate could make its proceedings more accessible and give all members of the public an opportunity to follow our work. With today's technologies, we can make the work done in the Senate accessible to everyone. Television is an ideal tool for raising the profile of our institution.

Why televise our proceedings? Is the Senate Chamber not a sufficiently important part of the legislative process that all Canadians should be able to follow the debates? Are we not here to do a good job of representing the constituents in our senatorial divisions? The question does not even need to be asked, because all those in this place are well aware of the vital role played by the Senate, both with respect to the consideration of bills in committee and with respect to debates in this Chamber.

Furthermore, it is critical that Senate sittings be broadcast with real-time closed captioning, so that the hearing impaired are not discriminated against, as is now the case. The public has the right to see and hear what we are accomplishing.

The Senate's reputation would be enhanced. The trust of our constituents would increase greatly. At least, they could better judge what we are doing and what we are defending. For all of these reasons, honourable senators, I fully support Senator Gauthier's actions, to strike a Senate committee to look into this issue. The current situation has lasted long enough. Broadcasting the proceedings of the Senate should, in my opinion, become a reality in the near future.

On motion of Senator Robichaud, debate adjourned.

[English]

THE HALIFAX GAZETTE

MOTION IN CELEBRATION OF THE TWO HUNDRED FIFTIETH ANNIVERSARY ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Graham, P.C., seconded by the Honourable Senator Buchanan, P.C.,

That the Senate of Canada celebrates with all Canadians the 250th anniversary of Canada's first published newspaper, the *Halifax Gazette*, the publication of which on March 23, 1752 marked the beginning of the newspaper industry in Canada which contributes so much to Canada's strong and enduring democratic traditions.—(Honourable Senator LaPierre).

Hon. Laurier L. LaPierre: Honourable senators, it is with pleasure that I rise to resume debate on this motion.

I should like to talk about the memory banks of the Canadian people. A nation, by its very nature of existence, has memories, and those memories are banked in various places across the land. They are banked, for instance, in the National Library and the National Archives. They are banked in the thousands of museums that exist across the country. They are banked in archives of all sorts, both public and private, and in national institutions. They are also banked in the stories we tell ourselves, through theatre, books, films, television programs, and the World Wide Web, and also those stories that are embedded in our psyches, and in the communities and groups all across this land.

[Translation]

For all of these reasons, it is important that Senator Graham's resolution, on the occasion of the 250th anniversary of the *Halifax Gazette*, be presented, because it preserves our collective memory.

[English]

Honourable senators, I often ask myself whether we are in the process of losing our memory and whether the institutions that are supposed to keep our memory alive, are capable of doing so in the times in which we find ourselves. We know that the vast majority of Canadians do not watch Canadian television, television produced in Canada. We know, we have few theatres in which to present our movies and that it is an exception when they are played in various theatres in the land. We know, by and large, that our young people are listening to our music — thank God — because some of the greatest international stars are from Canada.

Therefore, we know that slowly and gradually, unless we do something to awaken ourselves, we will lose our memory. We also know that the vast majority of Canadian people do not know the history of Canada, or little of it, and that, in many instances, there seems to be an attempt to relegate the knowledge of it, in the schools, to almost the absurdity of social sciences.

• (1450)

Honourable senators, I am very concerned. The *Halifax Gazette* had to be taken into the United States of America. "Le déclin de l'empire américain," a Canadian film that grossed over \$35 million, is no longer owned by the Canadian people. The title itself cannot be used by Canadians unless they pay Michael Jackson's production company to revive it or add a sequel to it. The list is eternal about these matters.

Consequently, I was happy to be part and parcel of the aftermath of the inquiry undertaken by Dr. John English, upon the request of Ms Sheila Copps, to study the National Archives and the National Library of Canada, to find out whether they were positioned to preserve, promote and provide access to Canada's heritage and confront the challenges of the information age in the next century, while continuing to manage collections and records in their traditional form. This report, to which Senator Corbin referred in his remarks, is on the Web and has been published and extensively studied.

The essential recommendation was to unite the National Archives and the National Library into one institution. At that time, it was not possible. As a special consultant to the Minister of Canadian Heritage, I attempted to bring together these institutions, not so much together in one institution, because the professional people involved — that is, the archivists and librarians all over the land — felt that they were so different in their approach to the record of the memory banks of the Canadian people that they could not be united into one institution. It was felt that over these institutions there should be an advisory board to bring together administrative and public discussion and to facilitate the work of the National Archives and the National Library.

I do not know where we are with this issue. However, I know for a fact that, until the National Archives and the National Library become one institution, in order to assess completely the dimensions of our memory banks, we will be not in full possession of the instruments to see to it that our memory banks are accessed properly.

Furthermore, no buildings will be built, one for the archives and one for the library. It is my dream — and I have expressed it publicly over and over again — that depositing, preserving and storing the wealth of the National Library and of the National Archives should be transported to a series of buildings in Gatineau, where the most important and the most magnificent archival building in the world exists at this time.

I have always dreamt that on the banks of the Ottawa River, the second most important river in Canada, we would build the most magnificent reading room as a statement of our capacity to keep alive the memory of ourselves, through the stories and through the archival material that we accumulate. I do not know if this dream will come about, but if it does not, something will be missing.

Honourable senators, I also want Canadians to be able to tell their stories. We have an inalienable right, as individuals and as members of a nation, to have the capacity to tell our stories to ourselves and to the world. No government on earth, either through free trade or the World Trade Organization, can possibly endanger that right. We are in the process of dealing with serious trade issues. The next battle that we will have to fight will not be about softwood lumber or steel; it will be about whether we have

[Senator Lapointe]

the right to tell our stories and to give assistance so that they can be told, so that the Canadian people can have the instruments to hear them and to see them. In an industrial mode, these stories will confront what is happening now to the processes of free trade, in various aspects of our economy.

Honourable senators, it is imperative that the entertainment industries not be treated in the normal way. They are not widgets. They are something else. They are the soul of the country and they belong to the country.

The Web will help us, without a shadow of a doubt, to maintain our memory. As Chair of the Canadian Culture Online National Advisory Board, I can state that, already, we have hundreds of possibilities to maintain these stories. The virtual museum that Minister Copps created receives an enormous amount of interest — not only hits on the Web but longer stays at the Web site of the national museum, which is accessed by people all over the world who want to know about some of our stories and what we are doing. The creation of the first Aboriginal network in the world has permitted access through television and the Web to the stories of the Aboriginal people of Canada. We need to provide that network with a tremendous amount of assistance so that it can continue what it has so ably begun.

Honourable senators, I am concerned about the memory of my country. Senator Rompkey and I recently travelled to Labrador. It is truly a magnificent place. We went to Wabush and to Makkovik. We saw over 300 children who had prepared a story that they wanted the world to hear. It was astonishingly moving. We had a “mug up” when the elders came and we spoke with them. I found out something that I did not know and that ought to have been in my head and in my heart. An old man in his early eighties or late seventies came to us. In 1958, he was deported from his village, along with his community, the Inuit and the White people, and sent further south on the grounds that they could have access to services that they could not have up there. With tears in his eyes, he told us the story of his deportation. He said that, everyday, he misses the place of his birth. His great desire was to tell the stories of these people to the children around him.

The Commissioner of Nunavut, where one in five boys the age of 15 or 16 commits suicide because they have absolutely no hope, has developed a program whereby the elders retell stories so that the young people will find hope. In Senators’ Statements earlier today, Senator Watt spoke of climate change in the North and the vision of stories and what they mean.

For all of these reasons, it is imperative that the institutions of culture, the dissemination of culture and the telling of our stories, be a priority in our country. It is as important as banking. It is as important as defence. It is as important as national security. It is as important as every other aspect of our lives. Unless we have the opportunity to bring ourselves into these stories, we will lose. Our children will grow up without stories, and our grandchildren and great grandchildren will no longer be part of the nation of Canada because a people without a history, without stories, have no reality. They cannot constitute a nation. I beg honourable senators to think about that in contemplating the magnificent

Halifax Gazette and other memories and stories that are stored in the library and in the archives.

Finally, honourable senators, let us create a standing committee on culture and heritage in this Senate. It is repressive, absolutely absurd and untenable nationally, that there is not, in this Senate, which is supposed to represent the soul and the thinking of the Canadian people, a committee where people sit down on a continual basis to discuss the possibility of the living stories and culture of Canada.

• (1500)

Hon. Nicholas W. Taylor: Honourable senators, that was a most enjoyable commentary on the *Halifax* newspaper. Rather than going through the joy of reading the honourable senator’s speech in Hansard tomorrow, perhaps he could bring me up-to-date now. He mentioned a river that was the second most important in Canada. Could he tell me the name of that river? I missed it. While he is at it, he might as well tell me the name of the most important river.

Senator Bryden: The Saint John River.

Senator LaPierre: I was referring to the Ottawa River. The most important river in Canada, historically speaking, is the St. Lawrence River. However, there are rivers elsewhere that became important thereafter. I do not establish priorities in my memory bank.

Senator Taylor: I was afraid of that.

Hon. Joan Fraser: Honourable senators, notwithstanding my respect for the Mackenzie, the Fraser, the North Saskatchewan and other rivers, I wish to move adjournment of the debate.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[Translation]

SCRUTINY OF REGULATIONS

JOINT COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Céline Hervieux-Payette, pursuant to the notice of May 28, 2002, moved:

That the Standing Joint Committee for the Scrutiny of Regulations be empowered to permit coverage by electronic media of the public proceedings of its meeting of Thursday, May 30, 2002, with the least possible disruption of its hearings.

Motion agreed to.

The Senate adjourned until Thursday, May 30, 2002, at 1:30 p.m.

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• 37th PARLIAMENT

• VOLUME 139

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OFFICIAL REPORT
(HANSARD)

Thursday, May 30, 2002



THE HONOURABLE DAN HAYS
SPEAKER

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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Thursday, May 30, 2002

The Senate met at 1:30 p.m., the Speaker in the Chair.

• (1340)

[Translation]

Prayers.

SENATOR'S STATEMENT

COMMENTS BY LEADER OF CANADIAN ALLIANCE PARTY ON ATLANTIC CANADIANS

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, Atlantic Canadians are an assiduous, industrious and creative people. Atlantic Canadians are also proud Canadians. They are proud, as all Canadians are, of the contributions made by our many peoples. We are proud of the contributions made by our francophone and Acadian communities to the development of Canada. We were proud, for example, to welcome the world community to Moncton, New Brunswick, during the highly successful La Francophonie summit. We are proud of the self-reliance of the large and small entrepreneurial communities, and we are proud to follow the success of our highly skilled and well-educated youth, who have generously put their collective shoulder to the building of our great national enterprise.

However, honourable senators, Atlantic Canadians, while a tolerant people, are also a people impatient with mediocrity, and particularly impatient with the aristocratic mediocrity that is based on culpable ignorance demonstrated by the Leader of the Official Opposition in the other place.

Honourable senators, the Business Development Bank of Canada says that Newfoundland and Labrador led the country in terms of economic growth last year and are expected to do the same this year. On Tuesday, the Conference Board of Canada reported the same thing, also saying that Prince Edward Island will have the country's second highest economic expansion, due to a strong rebound in the agriculture industry. New Brunswick and Nova Scotia are also expected to have strong economic growth this year, fuelled by construction activity.

Honourable senators, Atlantic Canadians rightfully reject the stark stereotyping attempted by the man living at the official residence of the opposition leader, Stornoway. Atlantic Canadians have nothing to learn from a prejudiced and stereotypical view of the Atlantic region — a view that could only be formed by living in intellectual isolation behind a firewall of ignorance.

Hon. Senators: Hear, hear!

ROUTINE BUSINESS

SCRUTINY OF REGULATIONS

SIXTH REPORT OF JOINT COMMITTEE TABLED

Hon. Céline Hervieux-Payette: Honourable senators, I have the honour to present the 6th report of the Standing Joint Committee for the Scrutiny of Regulations relating to the aboriginal communal fishing licences regulations and the amendments thereto.

[English]

NATIONAL SECURITY AND DEFENCE

BUDGET—STUDY ON HEALTH CARE SERVICES AVAILABLE TO VETERANS—REPORT OF COMMITTEE PRESENTED

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

Hon. Michael A. Meighen, for Senator Kenny, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Thursday, May 30, 2002

The Standing Senate Committee on National Security and Defence has the honour to present its

SEVENTH REPORT

Your Committee, which was authorized by the Senate on October 4, 2001 to examine and report on the health care provided to veterans of war and of peacekeeping missions; the implementation of the recommendations made in its previous reports on such matters; and the terms of service, post-discharge benefits and health care of members of the regular and reserve forces as well as members of the RCMP and of civilians who have served in close support of uniformed peacekeepers, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to adjourn from place to place within Canada for the purpose of such study.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

COLIN KENNY
Chair

(For text of budget, see today's Journals of the Senate, Appendix A, p. 1630.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Meighen, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Later]

FOREIGN AFFAIRS

BUDGET—STUDY ON EMERGING DEVELOPMENTS IN RUSSIA AND UKRAINE—REPORT OF COMMITTEE PRESENTED

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

Hon. Peter A. Stollery, Chairman of the Standing Senate Committee on Foreign Affairs, presented the following report:

Thursday, May 30, 2002

The Standing Senate Committee on Foreign Affairs has the honour to present its

THIRTEENTH REPORT

Your Committee, which was authorized by the Senate on Thursday, March 1st, 2001 to examine and report on emerging political, social, economic and security developments in Russia and Ukraine; Canada's policy and interests in the region; and other related matters, now requests approval of funds for 2002-2003.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

PETER A. STOLLERY
Chairman

(For text of budget, see today's Journals of the Senate, Appendix B, p. 1636.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Stollery, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BUDGET—STUDY ON ISSUES RELATED TO FOREIGN RELATIONS—REPORT OF COMMITTEE PRESENTED

Hon. Peter A. Stollery, Chairman of the Standing Senate Committee on Foreign Affairs, presented the following report:

Thursday, May 30, 2002

The Standing Senate Committee on Foreign Affairs has the honour to present its

FOURTEENTH REPORT

Your Committee, which was authorized by the Senate on Thursday, March 1st, 2001 to examine such issues as may arise from time to time relating to Foreign relations generally, now requests approval of funds for 2002-2003.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

PETER A. STOLLERY
Chairman

(For text of budget, see today's Journals of the Senate, Appendix C, p. 1642.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Stollery, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF INTERNATIONAL STATE AND NATIONAL STATE OF AGRICULTURE AND AGRI-FOOD INDUSTRY

Hon. Leonard J. Gustafson: Honourable senators, I give notice that on Tuesday, June 4, 2002, I will move:

That the date of presentation by the Standing Senate Committee on Agriculture and Forestry of the final report on its study into international trade in agricultural and agri-food products, and short-term and long-term measures for the health of the agricultural and the agri-food industry in all regions of Canada, which was authorized by the Senate on March 20, 2001, be extended from June 30, 2002 to March 30, 2003.

UNITED NATIONS GENERAL ASSEMBLY SPECIAL SESSION ON CHILDREN

NOTICE OF INQUIRY

Hon. Landon Pearson: Honourable senators, pursuant to rule 57(2), I give notice that on Wednesday next, June 5, 2002, I will call the attention of the Senate to the United Nations General Assembly Special Session on Children, that took place in New York on May 10, 2002.

IMPACT OF CORPORATE GOVERNANCE IN CANADA

NOTICE OF INQUIRY

Hon. Jim Tunney: Honourable senators, I give notice that on Wednesday next, June 5, 2002, I will call the attention of the Senate to corporate governance in Canada and the impact it has on ordinary individual Canadians, including shareholders, pensioners, employees and suppliers.

PERSONAL WATERCRAFT BILL

PRESENTATION OF PETITIONS

Hon. Mira Spivak: Honourable senators, I have the pleasure to present 62 petitions, bearing the signatures of 588 Canadians who are urging the Senate to pass Bill S-26, the personal watercraft bill. This brings the total number of petitioners to 3,357.

QUESTION PERIOD

TREASURY BOARD

AMNESTY FOR PUBLIC SERVICE WHISTLE-BLOWERS ON SPONSORSHIP PROGRAM

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my question is to the Leader of the Government in the Senate. Last evening our Standing Senate Committee on National Finance had the privilege of hearing, as a witness, the President of the Treasury Board. We had, to my estimation, an excellent exchange of views.

We also dealt with the matter of our common interests, "our" in the sense that the Senate has adopted at second reading a bill dealing with whistle-blowing, and we have been working closely, as a committee, with the President of the Treasury Board. We had an exchange on that topic, and I think the President of the Treasury Board expressed an appreciation for the work of the Senate on that file.

My question arises from a feeling that public servants are concerned about the unravelling of a number of issues of controversy. Will the government make a statement to the effect that whistle-blowers, who bring forward information relating to matters like the Groupaction affair, will be granted a type of amnesty?

Hon. Sharon Carstairs (Leader of the Government): As the honourable senator has indicated, he introduced the interesting concept of whistle-blowing into this chamber about a year and a half ago. In June of last year, the minister responsible for the Treasury Board, after discussions with the honourable senator opposite, introduced a policy on whistle-blowing. The policy is very clear and is meant to protect whistle-blowers, as well as to ensure that there is an appropriate process in place. That process is now up and working.

Honourable senators, it would be inappropriate to give some individuals amnesty while denying it to others. What is appropriate is that there be a means within the existing policy by which public servants may make a complaint, a process which should be followed by each and every public servant.

Senator Kinsella: Honourable senators, is it the minister's view that we encourage employees of the Department of Public Works and other ministries to, indeed, come forward if they have information on wrongdoing and that there will be no adverse job action taken against them for shedding light on any such matter?

Senator Carstairs: Honourable senators, it is the position of the government that the policy is in place and that it is a good policy. It is a policy that, in large part, owes its development to the honourable senator opposite. All public servants have been made aware of that policy, and it should be strictly followed.

[Translation]

CITIZENSHIP AND IMMIGRATION

STATUS OF REFUGEE CLAIMS

Hon. Roch Bolduc: Honourable senators, my question is for the Leader of the Government in the Senate. Last year, if my memory serves me well, there were some 30,000 or 40,000 people awaiting refugee status. Could the minister indicate whether some of these claimants have been processed?

There are a large number of refugees. The semi-judiciary process we have in Canada takes a great deal of time. Could you give us an idea of where we are at now? Have the numbers of refugee claims gone down or up?

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I must advise the honourable senator that I cannot give him a status report on refugee claims at this point in time.

• (1350)

I do know that the boards have been meeting and that they have been processing claims. I do not know whether the overall number is greater. However, there has been a halt in changing the procedures because it was felt that, given the backlog, it was important to deal with it without having to spend time re-educating people in the new processes, which would have removed those that function as commissioners. Therefore, the whole purpose was to ensure that the process was made as effective as possible.

[Translation]

Senator Bolduc: Minister, could you ask the department to provide us with some figures on the current situation, that are a little more precise? They might have some statistics they could give us.

[English]

Senator Carstairs: Yes, I will ask the department to give me an update on the status of refugee claims.

ADMINISTRATION OF REFUGEE CLAIMS

Hon. Roch Bolduc: My second question also relates to immigration. We know that the screening process for immigrants, not refugees, is more strenuous. According to a Montreal newspaper, Montreal is becoming the prostitution capital. Apparently, there are networks of possibly thousands of girls coming from Russia. I wonder why it is so difficult for some people to get through, while others apparently get through easily.

Does the government leader have an explanation?

Hon. Sharon Carstairs (Leader of the Government): There is no question that the trafficking of human beings — and I happen to consider prostitution a form of trafficking of human beings — is unacceptable, not only to this government but to the opposition as well. The issue of prostitution, in all of our cities, is one of great seriousness to this government, but I think it would be a hard stretch to tie the incidents of prostitution with refugee claims or with immigration into this country.

Sadly enough, there are those who are brought into this country, frequently illegally, and then put on the streets of this nation as prostitutes. Their living conditions are deplorable and the condition of their “employment,” using the word very loosely, is totally unacceptable.

Senator Bolduc: Honourable senators, I should not like to leave the impression that I do not think of that situation as a tragedy. Of course, it is, and we on our side all agree. However, what I wanted to stress is that the administrative processes, in this situation, do need a second look.

Senator Carstairs: There is no question that the government is serious in trying to get to the root of this problem. Illegal immigrants are entering countries throughout the world, particularly countries that are seen as advantaged countries. Obviously, we need to give our police the adequate support to investigate these cases, with a view to ensuring that trafficking of human beings is eliminated wherever possible.

[Translation]

SOCIÉTÉ RADIO-CANADA

LOSS OF RIGHTS TO *LA SOIRÉE DU HOCKEY*

Hon. Jean-Claude Rivest: Honourable senators, my question concerns *La Soirée du hockey* and Société Radio-Canada. It appears that the Montreal Canadiens hockey team reached an agreement this morning with RDS, the French-language sports network, giving it the broadcasting rights for all its games. This means that the Société Radio-Canada, which is the French-language public network, will no longer broadcast *La Soirée du*

hockey on Saturday evening. This is an injustice to all Canadian Francophones, since the English network will, of course, continue to broadcast *Hockey Night in Canada*.

For Francophones from Quebec and outlying areas, RDS is a specialty channel only available on cable. Since not everyone can afford cable, this means that less affluent Francophones will clearly be discriminated against. This is the reality.

Could the minister inform her cabinet colleagues of this concern? Canadian Francophones consider that hockey is an important part of their culture. They will feel discriminated against. It should have been the Société Radio-Canada's responsibility to ensure fairness between the two major networks regarding a very important activity, namely *La Soirée du hockey*.

[English]

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for raising that question this afternoon. I shall take his representations to the cabinet — and add a few of my own as well, which will be in direct line with his.

ORDERS OF THE DAY

EXCISE BILL, 2001

SECOND READING

Hon. George J. Furey moved the second reading of Bill C-47, respecting the taxation of spirits, wine and tobacco and the treatment of ships' stores.

He said: Honourable senators, Bill C-47 proposes a moderate legislative and administrative framework for the taxation of spirits, wine and tobacco products, under a new Excise Act. It also implements other excise measures that relate to ships' stores provisions and tobacco tax increases, that were announced last fall.

• (1400)

The Excise Act, as honourable senators may know, is the foundation of the federal commodity taxation system for alcohol and tobacco products in Canada. It imposes excise duties on spirits, beer and tobacco products manufactured in Canada. It also includes extensive control provisions over the production and distribution of these products. Specific duties and taxes are also imposed on these products under two other federal statutes — the Customs Tariff and the Excise Tax Act.

Customs duties equivalent to the excise duties on domestically produced goods are levied under the Customs Tariff on imported spirits, beer and tobacco products, while excise taxes on domestic and imported wine and tobacco products are applied under the Excise Tax Act. The new framework, however, does not address

the substantive tax rate or base matters for alcohol and tobacco products, and it does not address beer which, with the concurrence or the brewing industry, will remain under the current Excise Tax Act for the time being.

Honourable senators, the Excise Act is one of the oldest taxing statutes in Canada. Parts of it existed in previous configurations prior to Confederation, while other provisions date back to the Consolidated Inland Revenue Act of the 1880s. Historically, commodity taxes on specific goods have been an important element of our federal tax system. In the early part of the 1900s, these levies accounted for as much as 25 per cent of federal revenues. In the year 2000-01, excise duties and taxes on alcohol and tobacco products contributed \$3.4 billion in federal revenues. While amendments have been introduced over the years to address specific issues as they arose, the Excise Act, as a whole, has never been thoroughly reviewed and revised until now.

Honourable senators, outdated and pervasive controls in the act impose high compliance costs on industries and impair the competitiveness of Canadian alcohol producers, who are facing increased foreign competition in the Canadian marketplace. As well, the Excise Act does not accommodate new technology implemented by industry and contemporary marketing and distribution initiatives.

It is time for a new and completely modern excise framework. This is the 21st century and not the 19th century, when parts of the existing act originated.

Honourable senators, allow me to provide you with a few examples of the kinds of archaic rules that are still on the statute books today. The Excise Act allows excise officers to enter premises at any time and break up or remove parts of the premises such as walls, ceilings and doors. Taxpayers who suffer losses because of the actions of excise officers are only entitled to damages of twenty cents. An individual found guilty of possessing or selling alcohol in contravention of the Excise Act, under the existing regime, could face up to 12 months of hard labour. Licensed producers cannot operate at night without prior authorization from Canada Customs and Revenue Agency, CCRA, and they are required to have an excise officer present at their own expense. Licensees who intend to make alterations to their premises must provide CCRA with a detailed description of their proposed alterations, and once the work is completed, they must provide the plans of the work. Pipes used in a distillery to convey spirits must be coloured blue and those used for beer must be green. Licensees are prohibited from erasing any words or figures from their books and records; and the only changes to the books may be made by crossing out words or figures with ink in such a way as to ensure that they remain legible.

Honourable senators, these are hardly appropriate rules for a taxation framework in 2002. Clearly, the time has come for a new Excise Act.

Industry and government have been aware, for some time, of the need for a substantive review of the framework. After all, industry has to comply with the outdated rules and government must administer the rules. As I indicated previously, the current act does not accommodate new technology and current industry practices. Even though industry is facing greater foreign

competition in Canadian markets for beverage and non-beverage alcohol, the act continues to impose high compliance costs and controls that impair their ability to compete at home.

Honourable senators, from an administrative standpoint, it has become increasingly difficult for the CCRA to fully adopt modern administrative practices under this archaic act. It is clear as well, that recent wine contraband pressures need to be addressed. Wine is currently taxed under the Excise Tax Act and there are no substantive controls on its production. Tobacco is taxed under two acts — the Excise Act and Excise Tax Act. This creates complexities and inefficiencies for industry and government. Simply, a revised excise framework would be to everyone's benefit.

The government's review of the Excise Act was guided by three objectives: first, to provide a modern legislative framework for a simpler and more certain administrative system that recognizes current industry practices; second, to facilitate greater efficiency and fairness for all parties leading to improved administration and reduced compliance costs; and, third, to ensure the continued protection of federal excise revenues.

In 1997, a discussion paper was jointly released by the Department of Finance and CCRA, that outlined a proposal for a revised legislative and administrative federal framework for the taxation of alcohol and tobacco products. Two years later, in 1999, the government released draft legislation and regulations. Public consultations with affected industry groups and businesses, provincial governments, liquor boards, various federal departments, the RCMP and other enforcement agencies were an integral part of the review. The end result of this process is the introduction of Bill C-47, which has broad support among the spirits, wine and tobacco sectors, the provincial liquor boards and law enforcement agencies.

The new legislative framework for the taxation of spirits, wine and tobacco, to be implemented by the passage of this bill, will provide the following: a simpler and more certain taxation procedure or structure; equal treatment of all parties; improved administration and lower compliance costs; greater flexibility for business to organize their commercial affairs; and enhanced protection of excise revenues.

Honourable senators, let me be more specific. Bill C-47 incorporates key elements of the framework, that were outlined in the 1997 discussion paper. These elements include maintaining the production level of spirits; replacing the excise level at the time of sale for wine with a production levy at an equivalent rate; deferred payment of duty for spirits and wine to the wholesale level; and introducing modern collection tools.

Maintaining the production levy and extending it to wine means that there will be stricter controls on the production, importation, possession and use of non-duty-paid alcohol, along with significant penalties for breaking the law. Removing the outdated and onerous controls on premises and equipment, which have hindered the spirits industry for years, will provide businesses with greater flexibility to organize their commercial affairs so that they can respond more quickly to changes in the marketplace.

Anyone, vintners included, who produces or packages spirits or wine, will now have to be licensed, although the existing small manufacturer's tax exemption will remain in place for vintners with sales not exceeding \$50,000 in the previous 12 months. Individuals producing wine for personal use will continue to be exempt from having to be licensed and to pay duty.

The new warehousing regime for deferring duty on packaged alcohol will put domestic and imported packaged alcohol on an equal footing. This new regime will also accommodate provincial privatization initiatives for the warehousing of liquor. At the same time, the current comprehensive controls on the non-beverage uses of spirits will remain in place and will be extended to cover the use of wine. These include controls on the licensing of users and the authorization of non-beverage uses of alcohol. Maintaining these controls will protect the federal excise revenues that are derived from beverage alcohol.

• (1410)

The existing nominal duties on certain authorized non-beverage use of spirits, such as in the manufacture of pharmaceutical goods, will be eliminated. These duties are not applied in a consistent manner and place domestic products manufactured with spirits at a disadvantage with foreign products entering Canada.

Although the fundamental controls on non-beverage alcohol remain unchanged, new measures on imported industrial alcohol will ensure the integrity of the domestic alcohol market and protect federal revenues. In particular, imported denatured industrial alcohol will have to be sampled and tested to ensure it meets Canadian standards. In addition, new enforcement measures will help the government counteract the smuggling of alcohol. Fines for alcohol-related offences will increase substantially and proceeds of crime provisions will cover serious alcohol offences.

Honourable senators, the new excise framework also extends to tobacco products and incorporates the revised tobacco tax structure introduced in April 2001, which includes: an excise levy on manufactured tobacco sold in duty-free shops; a customs duty on manufactured tobacco imported by returning residents under the travellers' allowance; and a revised excise tax structure for exported manufactured tobacco. Further, the current excise duty and excise tax on tobacco products other than cigars will be merged into a single production levy, a measure that will improve administration for the CCRA and reduce compliance costs for industry.

While this is a more streamlined system for the taxation of tobacco than what currently exists, the new framework in no way diminishes current controls over tobacco. For example, the current stamping and marking requirements for tobacco products will continue to apply and play a key role in the enforcement of the tobacco provisions in this bill. The current offence provisions relating to the illegal production, possession or sale of contraband tobacco, which have proven to be effective, will also be part of the new framework.

Measures that will enable the CCRA to improve its level of service to clients and its overall administration of the excise framework for alcohol and tobacco products are another key

component of the new system. These measures are consistent with the CCRA's integrated accounting initiative and include: a duty remittance and return structure harmonized with commercial accounting periods and the GST/HST legislation; assessment and appeal provisions similar to those under the GST/HST legislation; and a range of modern collection mechanisms.

The new legislative framework also provides an array of other modern administrative and enforcement tools to ensure compliance. In particular, a number of new administrative penalties will be enforced against those dealing with excisable goods that fail to comply with the act.

Honourable senators, I now want to discuss the three remaining excise measures that are legislated through this bill. The first relates to ships' stores provisions that grant relief from duties and taxes for goods based on board ships and aircraft in international service. Ships' stores changes were announced last September in response to a Federal Court of Appeal decision that the ships' stores regulations went beyond the scope of their enabling legislation. Bill C-47 provides the proper legislative authority for these regulations. The changes will take effect on the date the provisions identified by the court were incorporated into the regulations.

A second measure implements a temporary fuel tax rebate program for certain ships that will no longer qualify for ships' stores relief as a result of amendments to the ships' stores regulations effective June 1, 2002. Ships eligible for the rebate include commercial tugs, ferries and passenger ships travelling on the Great Lakes and lower St. Lawrence River, that are not engaged in international trade. This rebate will apply on fuel purchased between June 1, 2002 and December 31, 2004, and is intended to provide the affected operators with adequate time to make the transition to the new ships' stores rules.

The third measure implements the federal tax increases on tobacco products announced last November. Like the April 2001 measures, these increases are part of the government's comprehensive strategy to improve the health of Canadians by discouraging tobacco consumption. These increases — amounting to \$2 per carton of cigarettes for sale in Quebec, \$1.60 in Ontario and \$1.50 in the rest of Canada — re-establish a uniform federal tax rate for cigarettes across the country and are coordinated with provincial tobacco tax increases.

The government remains committed to working toward restoring tobacco taxes to pre-1994 levels in ways that will minimize the risk of renewed contraband activity as quickly as possible. These measures are another step in achieving that important objective.

In closing, honourable senators, all the elements of this bill deserve your attention and deserve to be passed without delay. First, it makes sense to implement a new Excise Act to address a long-standing need of both industry and government. The modern framework implemented through the bill will generate stable and secure revenues and also address contraband pressures. At the same time, these results will be achieved without imposing unrealistic or unnecessary costs and administrative burdens on industry participants.

Earlier, I made the point that parts of the Excise Act predate Confederation. In the year 2002, the time has come to provide industry and government with a modern and effective excise framework within which to operate, one that reflects the realities of the world in which they work. Industry and government have made changes over the years to keep up to date. It is time the Excise Act reflects today's world. It also makes sense to rationalize the ships' stores provisions and to provide tobacco tax increases for reducing tobacco consumption. I urge all honourable senators to support this legislation.

Hon. Terry Stratton: Honourable senators, I rise to speak to Bill C-47, which has three main objectives. First — surprise, surprise — it raises taxes. Second, it provides a legal basis for the existing regulations granting tax relief to ships' stores. A recent court decision found that those regulations were invalid because there is no authority in the current act for them. Third, the bill updates and overhauls the legal framework governing the excise taxes levied on spirits, wine and tobacco. In other words, there are several amendments that deal not so much with how much cash the government squeezes out of the poor taxpayer, but more with the terms of engagement. The changes include such matters as new rules for certain goods produced by individuals for their own use, tighter controls on the possession and distribution of goods on which duties have not been paid, and new enforcement mechanisms.

The government has been consulting on administrative changes to the excise tax since at least 1997. Since the consultations lasted some four or five years, one would think they would get it right. However, smaller vintners from Quebec appearing before the Finance Committee in the other place made a legitimate case about the new rules regarding excise warehouses. I would suspect that their particular grievance would also apply to small estate wineries in Ontario, Nova Scotia, British Columbia and Prince Edward Island.

Bill C-47 replaces the excise duty of sales on wine with an equivalent tax on production — as is already the case for spirits. The tax will be payable at the time of packaging, which in this case means bottling. However, if the wine is moved into an excise warehouse, the production levy will be deferred until the wines and spirits are sold out of the warehouse.

• (1420)

That is fine for larger wineries, but for a small estate winery with production of no more than a few thousand cases, the wine is vinted, bottled, corked, stored and sometimes sold in the same building. A special excise warehouse is not a cost-effective option. The small vintner will have to pay tax the minute the wine goes into the bottle. Unlike the larger wineries, the small vintner cannot defer the tax until the wine is sold. The cash flow of the small vintner will clearly be affected, as that wine may rest in the bottle for months, or years, before it leaves the winery. Cider producers have a similar concern.

The opposition moved an amendment at committee stage in the other place, to exempt wineries with annual production of less than 150,000 litres from the excise warehouse rule. The government members defeated it, instead promising a review. Clearly, the government does need to rethink this.

Honourable senators also have to wonder about the cost to the government of this new duty scheme. Will this new tax structure raise the government's costs by requiring it to hire more excise

warehouse inspectors? Will there be new costs for the large wineries also, as their flexibility is reduced?

Honourable senators, I should now like to say a few words about the tobacco tax increases in this bill. I have serious problems with the health aspects of smoking. I have lost, as we all have, too many good friends and colleagues to cancer. Some 45,000 Canadians die each year from smoking-related illnesses. That is one person every 12 minutes. Friday of this week is World No Tobacco Day, which is organized annually by the World Health Organization to draw international attention to the problem of tobacco use and to the avoidable disease and death it causes.

One can only hope that more people will get the message, and that those who missed the chance to butt out on Weedless Wednesday will do so this Friday on World No Tobacco Day. However, sadly, the reality is that many smokers are unable to stop smoking, no matter how often they try, even though cigarettes can cost over \$8 a package, approximately 35 cents a cigarette. They cannot quit because the product is too addictive.

Honourable senators, while I have concerns with the health aspects of tobacco, I also have serious problems with taxes. It is hard not to think that higher tobacco taxes have more to do with feeding this government's addiction to taxes than they do with the health concerns. The tobacco measures in this proposed legislation will add \$240 million a year to the government's coffers. If that money were put into smoking-cessation programs, that would be fine. One would then expect the impact to be revenue neutral, or even negative, as the tax base would shrink.

If the government were sincere about this being a health measure, one would expect it to use every last dime raised by taxes to fund new programs to help people kick the habit or to reduce taxes by a corresponding amount on products and activities that make us healthier.

Honourable senators will recall that some years ago excise taxes were cut in provinces where smuggling across the Canada-U.S. border was a problem. That led to another problem, that of smuggling between provinces. It was very easy to make a living tossing cigarettes into the back of a van and hauling them from Kenora, Ontario, to Winnipeg, Manitoba. Smuggling between provinces replaced smuggling between nations.

Bill C-47, if passed, will raise federal tobacco taxes in five provinces to the rate that applies in the other five. However, even with these proposed changes, which we are being asked to pass retroactively to last November, smuggling will continue, as each province has a different provincial tax rate on tobacco. An individual who is bringing more than five cartons into Manitoba from Ontario is required to report that at the border and pay the tax. You can imagine how many people do that.

Other forms of crime beyond smuggling can be a problem as long as taxes are kept high. These days, the main reason a crook hits a convenience store is not for the cash but for the cigarettes, which are more valuable than the cash in the till.

Honourable senators, I will conclude by stressing that, with the government now in a surplus position, its two key priorities should be to reduce both taxes and the debt. While some taxes have slowly come down, others are going up. This bill raises tobacco taxes. Just a few months ago, the government instituted an airline security tax. At the end of this year, the Canada Pension Plan premium will increase. The government is still using Employment Insurance as a cash cow. Moreover, user fees, which are taxes by another name, continue to escalate as departments are told to raise more of their own revenues. Canada's income taxes on individuals and businesses remain among the highest in the G20.

Honourable senators, it is time to bring taxes down, not raise them.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Furey, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

[Earlier]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I should like to draw your attention to the presence in the gallery of Mrs. Heshmat Moynfar, wife of the Iranian Ambassador to Canada, Mrs. Imani A. Atallah, wife of the Saudi Arabian Ambassador to Canada, Mrs. Naima Bsaikri, wife of the Libyan Ambassador to Canada, and Mrs. Joumna Al-Halidi, wife of the Syrian Ambassador to Canada. They are the guests of Senator Jaffer.

On behalf of all senators, I welcome you to the Senate of Canada.

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Poy, seconded by the Honourable Senator Banks, for the second reading of Bill S-39, to amend the National Anthem Act to include all Canadians.—(*Honourable Senator Jaffer*).

Hon. Mobina S. B. Jaffer: Honourable senators, I am pleased to rise today in support of Bill S-39, a bill to amend the national anthem to include all Canadians, male and female, who have contributed to this great nation of ours.

As we all know, women's rights have been evolving in Canada over the past century. These changes are reflected in our homes, in our laws and in our communities. At the same time, our national anthem has also evolved over the past 40 years. It is time again, in this millennium, to ensure that our anthem continues to resonate with all our citizens by more accurately reflecting our society today.

The start of this new millennium provides us with an ideal opportunity to ensure that our national anthem communicates to Canadians and the world that we acknowledge the past, current and future generations of women who have, who are and who will continue to contribute to the greatness of our country.

• (1430)

As Senator Poy stated in her address to the Senate on February 20, 2001:

...I would argue that Parliament should not forget the contributions women have made to the growth of our nation, nor can we afford to ignore the daughters of tomorrow. We have an obligation as legislators to both acknowledge and celebrate the accomplishments of Canadian women through both practical and symbolic measures....

...let us join together to send a clear message to Canadians and to other nations of the world that Canada respects gender equality by changing the wording of the national anthem to more closely reflect the reality of our country.

[Translation]

Women have always had fewer rights than men. In law, in religion and in everyday life, the masculine has included the feminine.

[English]

This bill proposes a change of only two words in the national anthem — that the words "thy sons" be replaced with "of us" in the third line, so that it reads "in all of us command."

Honourable senators, Canadians are continuously striving to improve women's rights, access and opportunities, in what is still a very male-dominated world. Although some major challenges have been overcome, they have not been overcome without great struggle.

Until 1897, women could not practice law in Canada. In 1897, Clara Brett Martin became the first woman advocate to try and practise law. She overcame editorials opposing women lawyers on the grounds that the physical attraction between them and the judges and juries would be intolerable. She lobbied for a bill in the Ontario legislature that would overturn the Law Society of Upper Canada regulations barring women, because only "persons" could be admitted. She was taunted and ridiculed by classmates, professors, the public and the media simply for enrolling in law school.

I am glad to say that, today, women make up somewhere between 45 to 50 per cent of first-year law students, and almost 50 per cent of the students called to the bar are women.

Until 1919, most women could not vote in a federal election. The majority of Canadian women got the federal vote in 1919, but that did not include Aboriginal women who were status Indians and some immigrant groups, for example, Chinese or South Asians.

Although women were granted the right to vote federally in 1919, it took another two decades for women to be given the vote in all provinces, with Quebec being the last province to give women the vote in 1940.

Until 1929, women were not considered persons. In 1927, Emily Murphy appealed to the Supreme Court of Canada to define the word "persons" in the British North America Act so that women would qualify as persons. Emily Murphy, Henrietta Muir Edwards, Louise McKinney, Irene Parlby and Nellie McClung, all came to be respected for their tireless work to gain rights for women. They asked the Supreme Court if the word "persons" in section 24 of the BNA Act included female persons. When they were told that they were not persons, these five women continued their quest with a petition to Canada's highest Court of Appeal, the Judicial Committee of the Privy Council in London.

On October 18, 1929, the Lord Chancellor of the Privy Council announced that women were persons and were therefore eligible to be summoned and may become members of the Senate of Canada. The decision was a milestone in women's legal rights. Those five women became known as Canada's Famous Five.

Until 1943, women could not work outside the home. Women were expected to stay home and take care of the family. The year 1943 marked a massive influx of women into the paid labour force because, until then, men had all the jobs and women could not work.

In 1945, Saskatchewan MP Gladys Strum announced in Parliament:

No one has ever objected to women working. The only thing they have ever objected to is paying women for working.

Women's wages did not reach 50 per cent of the male average until 1981. That year, women in all earning categories earned 53.5 cents for each dollar earned by men. This included part-time workers. If we compare only full-time workers, then women averaged only 53 cents to the average male worker's dollar in 1981. Today, women earn approximately 75 cents to the male worker's dollar.

Until 1955, married women could not work in the federal public service. Being married while working for the government was seen as unacceptable. In 1955, the restrictions on married women in the federal public service were removed. Up until 1955, female public service employees were fired upon marriage. It took 45 years, until 1974, to refute a 1910 report that concluded, "Where the mother works, the baby dies."

Until 1971, women were not protected from discrimination on the basis of sex. We could not earn wages similar to those of men. We could not take maternity leave.

In 1971, amendments to the Canada Labour Code were implemented, that included the prohibition of discrimination in the workplace on the grounds of sex and marital status. The 1971 amendments also reinforced the principle of equal pay for work of equal value, and introduced provisions for a 17-week maternity leave.

Until 1978, married women were not entitled to an equal share of marital assets if their marriage broke down. The Supreme Court of Canada case *Murdoch v. Murdoch* was a catalyst for change in this aspect of family law. The Murdochs worked on ranches as a hired couple, with their pay being given to Mr. Murdoch. Their funds were used, in part, to purchase a ranch and homestead. Over the next 20 years, Mrs. Murdoch made a substantial contribution to the operation and management of the farm.

When the marriage broke down, she sought a judicial separation and claimed she was entitled to one-half share, not only of the homestead, but also of the ranch. However, in the absence of a direct financial contribution, or an extraordinary financial contribution, the court held that Mrs. Murdoch's actions were, "...just about what an ordinary rancher's wife does." As there was no explicit agreement linking her labour efforts to an entitlement to a share of the ranch, she was deemed to have no interest in the ranch, that is, she was not entitled to any share. Later, the federal government changed the laws so that women are now entitled to shares in matrimonial property.

Until 1982, women's rights were not entrenched in the Canadian Constitution. In 1981, 1,300 concerned women met to discuss women's rights being excluded from the proposed Charter of Rights and Freedoms. They lobbied Members of Parliament intensively, which resulted in the inclusion of women's rights in Canada's Constitution.

Today, discrimination against women and violence towards women are both against the law. Women who are physically abused by their husbands can seek help for themselves and their children in shelters. As a society, Canada has come a long way in legitimizing, acknowledging and protecting women. We now need to celebrate our efforts and also sing about them.

Until 1983, women had no legal recourse, if sexually harassed in the workplace. In 1983, the Canadian Human Rights Act prohibited sexual harassment in workplaces under federal jurisdiction. Before this, women in their workplaces had no legal recourse, if their employer demanded sexual favours.

The YWCA of Canada, the largest women's organization in Canada, is a movement of women, girls and their families in all our cultural, racial and ethnic diversity. In a letter to the Honourable Senator Poy, Elaine Teofilovic, the Chief Executive Officer of the YWCA, said:

As an organization that has for the past century worked to sustain Canadian women in their pursuit of equality and socio-economic autonomy, we are pleased to express our support for the motion you intend to put forth Bill S-39, An Act to Amend the National Anthem to include all Canadians, by substituting the current national anthem wording "thy sons" for "of us."

Ms Teofilovic went on to say:

At our spring 2001 annual membership meeting held last May in Calgary, the YCWA of Canada celebrated the Famous 5 and their contribution to the greatness of this country.

It is from their inspiration that YWCA member associations from across Canada have lent their support to your motion to adopt a more inclusive wording of the English national anthem and thereby recognize the contribution of Canadian women to the development of prosperity in this country. And I am pleased to forward you the petition, which was signed by 99 YWCA members from across the country.

Honourable senators, in 1919, women did not have the right to vote; now we do. In 1929, we were not considered persons; now we are.

• (1440)

In 1982, our rights were not entrenched in the Canadian Constitution; now they are.

Today, we are not included in the national anthem. It is time that our national anthem acknowledged and recognized the rightful contribution of Canadian women to this great country of ours.

On motion of Senator Adams, debate adjourned.

[Translation]

BILL TO CHANGE THE NAMES OF CERTAIN ELECTORAL DISTRICTS

SECOND READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Poulin, seconded by the Honourable Senator Poy, for the second reading of Bill C-441, to change the names of certain electoral districts.

Hon. Marcel Prud'homme: Honourable senators, I advise the House that I will be speaking to this bill next week.

Order stands.

OFFICIAL LANGUAGES

PRIVY COUNCIL VOTE 35— NINTH REPORT OF JOINT COMMITTEE ADOPTED

On the Order:

Resuming debate on the consideration of the Ninth Report of the Standing Joint Committee on Official Languages (*Vote 35 under Privy Council*), presented in the Senate on April 25, 2002.—(Honourable Senator Gauthier).

Hon. Jean-Robert Gauthier: Honourable senators, I wish to speak about a topic of great interest to me, and that is official languages. I will be speaking at consideration stage of the ninth report of the Standing Joint Committee on Official Languages with respect to vote 35 under Privy Council. The report was adopted by the committee on April 23.

I may be wrong, but not many committees report to Parliament on the estimates submitted to them. We have made it a point of honour for many years to examine and report on these votes, once they are approved by the committee, either in the House of Commons or the Senate.

In the House of Commons, the process is a bit different. The committee has until May 31 to submit its report, after which votes go into a general envelope. All these votes are then voted on. Few people understand this system.

In the Senate, this is how we proceed. Through its committees, the Senate examines the estimates in general and specifically passes certain votes. In the case of the Standing Joint Committee on Official Languages, we have been doing this annually now for several years. The estimates are only \$14 or \$15 million, but they are examined and used judiciously. We begin by meeting with all the individuals and departments with an important role to play vis-à-vis official languages, such as the Commissioner of Official Languages, Treasury Board representatives, the Department of Justice, and so on.

Vote 35 asks Parliament to approve expenditures for 2002-2003, which will come to approximately \$15 million. The votes requested have been verified. They are in order and well justified. The corporate management information system for these votes has been looked at closely this year.

The Office of the Commissioner of Official Languages is the ombudsman with the mandate to take any necessary measures to ensure that the objectives of the Official Languages Act are met. It mandates the constitutional obligations regarding the equality of French and English within the government, the federal administration and institutions that are subject to the Official Languages Act. The Office ensures that language laws are respected to guarantee the equal status of both official languages in Canadian society. In order to do this, the Office incites and encourages federal institutions that are subject to the act to respect both official languages, English and French, and to promote them both.

In order to take up this challenge and to ensure the full recognition of linguistic rights, the Office takes measures required to ensure that the services provided by institutions are of equal quality. Furthermore, the Office is involved in policy, as laid out in section 41 of the Official Languages Act.

Honourable senators know very well that this section establishes obligations for the government to support community development, promote the equality of English and French in Canadian society and promote the vitality of linguistic minority communities in Canada. This is the point that is critical.

Living in a minority situation is difficult. I was born in Ontario, but in the whole of Canada, given that my mother tongue is French, I am considered part of the minority. In Ontario, I feel doubly that I am part of the minority.

Until recently, 1982, we did not even have the right to have French schools in Ontario. It took 15 years for the province to guarantee this right and grant us control over our schools. Fifteen years of work and involvement in a society that was not wealthy. Our youth gradually but surely became assimilated. Barely 14 per cent of young people finished grade 10 in 1968, when I got involved in with schools. Eighty-six percent of young people did not have the means to attend English high school, which you had to pay for. They did not have the money needed. Francophones were told to become janitors, farmers or stay in their small villages. No sir! Things have since changed.

In 1982, there was a radical change made to the constitution. A Charter of Rights and Freedoms was added, and this has made a difference to many of us, in a society that claims to be generous and tolerant. It entrenched language rights, rights of expression, rights to equality and so on. I could give a long speech on the importance of section 16, for instance. The courts have been dealing with section 23 for nearly 20 years now.

A different hand has been dealt to official languages. The commissioner has told us so repeatedly, including just recently. In connection with the estimates, she said that things had changed in the past 10 or 15 years. There are rights that must be recognized and implemented.

• (1450)

This may take still greater efforts of all kinds if this country is to continue to progress.

The one little problem is money. The \$15 million for the Commissioner of Official Languages is not much out of total budget in excess of \$150 billion. The commissioner must feel supported in her work by Parliament. When she tells us she needs more money allocated, it is a pity we cannot comply. We could perhaps pass a resolution informing the House of Commons and the Senate that, if the commissioner had more money at her disposal, she could do more on behalf of official languages.

Two recommendations were made by the Joint Committee on Official Languages. The first was to allocate another \$4 million in order to enable the commissioner to finish studies, enhance programs and hire lawyers, experts in sociology, in psychology and so on, in order to help us. It is not a lot, but it is important.

The second recommendation was that the Commissioner of Official Languages launch a public awareness campaign to help Canadians better understand the Official Languages Act. It is also important to do some advertising to explain what official languages are. I often hear people say that they are opposed to institutional bilingualism. Recently, the Leader of the Opposition in the House of Commons, Mr. Harper, said that he wanted to abolish institutional bilingualism by opening up the Armed forces, the RCMP and the public service to unilingual people. If we do that, Canadians will no longer get service in French when they contact federal institutions. They will be told: "Sorry, I don't speak French."

It is not easy to make Canadians understand that, fundamentally, it is the Canadian Constitution which says that the two official languages are equal across the country. It is not a

matter of forcing everyone to be bilingual. A person can decide to remain unilingual if that is his choice.

[English]

One can be bilingual, too, if one likes. One can even be trilingual. As a matter of fact, I encourage Canadians to become quadrilingual, if they want to be.

There are over one billion Chinese. If Senator Moore and I can invent a new mousetrap, we could sell 100 million to one billion Chinese. He and I would not have a worry in the world.

What is wrong with being multilingual? Nothing. What is wrong with being bilingual? Nothing. More important, if one is in a bilingual environment — that is, in a region of this country where both languages are spoken regularly — it is just and fair to expect that the institutions of government are able to serve an individual in the official language of his or her choice. It is just and fair to expect that the institutions of government at all times are able to respond to requests in either official language. It is elementary.

I wish to return to the issue of the commissioner. The Office of the Commissioner of Official Languages is important, efficient and underfunded. Since 1992, when restructuring of the government was instituted, the Estimates for this office have been reduced gradually every year. What the Official Languages Joint Committee is now suggesting is that the budget of the commissioner be increased in 2002-03, either through Supplementary Estimates or perhaps through the next budget.

It is important that Canadians be conscious of the difficulties with official languages that one sometimes encounters. There are many and the commissioner is there to resolve these difficulties. Her office is there to help bring about a solution to the various problems. Not many in this place know that I cannot go to court in Ontario under the divorce laws of Canada and have my case heard in French. In law, there is a symmetry that says divorce falls under federal jurisdiction. However, try in London, Ontario, to go before a judge and get him or her to hear a case in French. The answer is, "Sorry, but there is no French-speaking judge here. It will take a month and a half or two months until we can get one." A woman may say, "I have three kids. I need some kind of direction. I need some money." The reply will be, "Sorry. If you choose to have your case heard in English, we can hear it next week." The subsequent reaction of the woman will be, "If I have to do that, then I will." The government then says to us, "There is no demand. Why should we appoint French judges in Ontario?"

[Translation]

The Hon. the Speaker pro tempore: Honourable Senator Gauthier, I am sorry to interrupt you, but your time is up. Are you asking leave to continue?

Senator Gauthier: Honourable senators, may I move the adoption of the report?

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, if I am not mistaken, Senator Gauthier is not asking consent to continue, but he would like to move the adoption of the motion now before us. Is that the case?

Senator Gauthier: I would need two more minutes to conclude my speech.

Senator Robichaud: We agree to give two minutes to Senator Gauthier, so that he can conclude his speech.

Senator Gauthier: Honourable senators, it is not often that a parliamentary vote is adopted on a timely basis. The deadline in the House of Commons is May 31, which is tomorrow. In the Senate, we do not have a deadline. However, some votes are deemed to have been reviewed in committee and adopted at the end of the session, around June 11.

I would like to congratulate the members of the Standing Joint Committee on Official Languages. It is good that this committee report to the Senate and the House of Commons in due form and due course. I therefore move that the ninth report be adopted.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to, and report adopted.

STUDY ON HUMAN RIGHTS OBLIGATIONS

REPORT OF HUMAN RIGHTS COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Andreychuk, seconded by the Honourable Senator Johnson, for the adoption of the Second Report of the Standing Senate Committee on Human Rights, entitled: *Promises to Keep: Implementing Canada's Human Rights Obligations*, tabled in the Senate on December 13, 2001.

Hon. Gérard-A. Beaudoin: Honourable senators, the Constitution Act, 1867, does not specifically mention the treaties, leaving aside section 132, which no longer applied after the Statute of Westminster, 1931.

• (1500)

With respect to treaties, several operations are involved, such as negotiating, signing, ratifying, accession, registration, publication and implementation.

In the *Labour Conventions* case of 1937, the Supreme Court of Canada took the position that the conclusion of treaties comes under federal jurisdiction. The Judicial Committee of the Privy Council made no statements on this particular point. However, Lord Atkin distinguished between the conclusion of treaties and their implementation. In terms of implementation, he said the division of powers had to be respected. As for the conclusion of treaties, he gave no opinion, because it was not necessary to comment on this point.

The 1937 Privy Council decision was well received by some, and less well received by others. Constitutional expert, Frank Scott, from the University of Montreal, would have preferred that the implementation of treaties come under federal jurisdiction alone;

he would have preferred it to come under the residual powers of the federal government. Still others, like Jean-Charles Bonenfant and many of his French-speaking colleagues from Quebec, celebrated the 1937 ruling, viewing it as protection for provincial legislative jurisdiction. Indeed, with the number of treaties signed, there would have been interference in provincial areas of responsibility.

Professor Frank Scott, who found the law lords of the Privy Council too generous towards the provinces, said:

We had the Fathers of Confederation, we also had the fathers-in-law of Confederation: the Judicial Committee of the Privy Council, which decentralized the division of powers.

Chief Justice Laskin, in *The British Tradition in Canadian Law*, notes that unless there is a constitutional amendment, the Supreme Court of Canada will eventually have to rule on whether the federal power to conclude treaties is too broad, or if the provincial power to implement treaties is too limited.

In *Thompson*, the Supreme Court recognized that the federal government's power to conclude treaties is nonetheless limited by the constitutional division of powers.

For years, until the Quiet Revolution in 1960, the treaty process was not the object of much controversy in Quebec. Generally speaking, Quebec was delighted the Privy Council's judiciary committee had decided, in 1937, that legislative jurisdiction over the implementation of treaties was divided.

But the situation remained unclear. The central executive could sign a treaty but it could not implement it if it dealt with something provincial, and at the same time a province could implement a treaty it had never signed.

Legislation on the implementation of treaties, as has been said, was judged not to be part of the *residuum* of legislative jurisdiction.

The Supreme Court of Canada has had the opportunity, on several occasions, to refer to the key principles and values set out in certain international instruments.

In *Grail*, the Supreme Court finds, in connection with Canada's international obligations on human rights, that:

Although international law is not binding, upon Parliament or the provincial legislatures, a court must presume that legislation is intended to comply with Canada's obligations under international instruments and as a member of the international community.

In *Pushpanathan*, the Supreme Court referred to sources of international law which influence court decisions.

In *Keegstra*, the Court commented as follows:

Following the Second World War and revelation of the Holocaust, in Canada and throughout the world, a desire grew to protect human rights, and especially to guard against discrimination. Internationally, this desire led to the

landmark Universal Declaration of Human Rights in 1948, and, with reference to hate propaganda, was eventually manifested in two international human rights instruments.

The two instruments in question are the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination.

As well, the Court commented as follows in *Keegstra*:

Generally speaking, the international human rights obligations taken on by Canada reflect the values and principles of a free and democratic society, and thus those values and principles that underlie the Charter itself...

In *Kindler*, the highest court in the land stated:

Canada's commitment to human dignity has a lengthy and respected history in international affairs.

And in *Lucas*, the Court added:

That a number of international conventions, ratified by Canada, contain explicit limitations of freedom of expression in order to protect the rights and reputations of individuals, further supports the conclusion that this constitutes a pressing and substantial objective.

The following is found in *Tran*:

The priority given to the right to interpreter assistance of criminally accused persons, which is seen not only in Quebec's guarantee but also more generally in the jurisprudence, is echoed in international human rights instruments.

In the *Edmonton Journal* case, Mr. Justice La Forest pointed out that:

The right to personal privacy, including the privacy of one's family and home, has also been recognized by leading international documents aimed at the protection of human rights.

Finally, in *Finta*, the court expressed the opinion that:

Most nations recognize that a statute can neither retroactively make criminal an act which was lawful at the time it was done, nor impose a penalty for past acts which were not criminal when they were committed.

So, based on these excerpts, the standards included in the international instruments designed to protect rights and freedoms are not compelling in Canadian constitutional law, even though they are of great interpretative value.

Accordingly, the Supreme Court recently pointed out, in *Burns* and *Suresh*, that the courts may invoke international law to interpret the Canadian Constitution.

As regards treaties, Canada has adopted a dualistic view. The federal authority signs treaties. However, these treaties do not change domestic law. We must legislate to implement treaties. To this end, we must comply with the division of powers between the federal and provincial governments.

In fact, this is what Justices Cory and Iacobucci said in 1999, in *Baker*:

...an international convention ratified by the executive branch of government is of no force or effect within the Canadian legal system until such time as its provisions have been incorporated into domestic law by way of implementing legislation.

• (1510)

I conclude, after all this, that it is the rule of law today in Canada. What can we do to change, or at least to improve, our situation? Several expert witnesses appeared before the Standing Senate Committee on Human Rights, including the Honourable Warren Allmand, Mr. Phillippe LeBlanc, professors Cr  peau, Schabas, Mendes, and Toope, and Dean Peter Leuprecht.

The experts looked at possible solutions. We must continue our research. I am pleased that our human rights committee, chaired by Honourable Senator Andreychuk, wants to delve more deeply into the issue of implementing treaties.

Perhaps Canada itself will have to innovate in this area. Of course, the Supreme Court, in its interpretation, could look to principles of international law and, over time, start interpreting the Constitution such that treaties, once signed, will increasingly become part of the law of the land. In other words, could we perhaps move in the direction of the monistic view?

In the meantime, the fact of enshrining a Charter of Rights and Freedoms in the Constitution in 1982, a charter which binds the federal government and the provinces, opens up, for Canada, a window on the great universal values and on the international instruments.

We could also take inspiration from Australia. Perhaps our Parliament will end up by finding a uniquely Canadian system. Perhaps the Supreme Court of Canada will allow itself to be influenced by international law. The debate is open!

[English]

Hon. Nicholas W. Taylor: Would the honourable senator accept a question?

[Translation]

Senator Beaudoin: Yes, of course.

[English]

Senator Taylor: My question relates to when the rights of individuals come up against group rights. The honourable senator referred to Australia, which has such a bad reputation for dealing with Aboriginal rights. That has frightened me.

Would the honourable senator explain how it will be possible to have the rights of the individual Aboriginal person, and that is important, fit in with the group rights found in our Aboriginal treaties?

Senator Beaudoin: Honourable senators, let me first address the question of Australia. It is a constitutional monarchy, with a federation and parliamentary system; hence, in that way, Australia is similar to us. Australia is looking at ways of implementing its treaties. In Canada, the United Kingdom and Australia, among other countries, to give effect to a treaty, there must be legislation. That is the reason I mentioned Australia.

In terms of Canada, the collective rights of Aboriginals are dealt with under section 35 of the Constitution Act, 1982. Section 35 is not in the Charter of Rights and Freedoms. Sometimes we forget that. Section 35 is a special article in the Constitution Act, 1982. It deals directly with collective rights. Sections 1 to 34 of the Charter, of course, deal mostly with individual rights, except that section 23 has been declared by Mr. Justice Bastarache and the court as being collective to a certain extent.

Therefore, the collective rights of the Aboriginal peoples are certainly very well enshrined in the Constitution of Canada.

[Translation]

The Hon. the Speaker pro tempore: I am sorry to inform you, Senator Beaudoin, that your time is up.

Senator Beaudoin: That is too bad!

[English]

Senator Taylor: The honourable senator was just getting to the nub of my question.

[Translation]

The Hon. the Speaker pro tempore: Are you asking leave to complete your answer?

Senator Beaudoin: Yes. I would be very pleased to.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, we are certainly agreeable to the honourable senator's having the time to complete his answer to Senator Taylor's question.

The Hon. the Speaker pro tempore: Senator Beaudoin, please finish your answer.

[English]

Senator Beaudoin: To summarize, the collective rights of Aboriginals come under section 35 and the very good jurisprudence of the Supreme Court. As to the individual rights with which the Charter is concerned, there are 450 Supreme Court cases related to that question. It is a field of law that is very impressive, but two different things are involved in it. Collective rights are one thing; individual rights are another. As well, the Canadian Charter of Rights and Freedoms in no way set aside the rights of the Aboriginal. There is no doubt that a special provision exists.

There are two different protections and two different fields of jurisprudence.

The Hon. the Speaker pro tempore: Is the house ready for the question?

Senator Taylor: I have a supplementary question.

The Hon. the Speaker pro tempore: Permission was given for only one question.

Senator Taylor: This is one of the most important issues facing Canada today. As senators, we are appointed to represent minorities. My questions concern Aboriginal rights, and Her Honour is trying to shut down the dialogue. I ask, appealing to the Senate, whether I can explore this issue for a few minutes more.

The Hon. the Speaker pro tempore: I am sorry, Senator Taylor, I am not trying to shut down the dialogue. The house decided on one question only. Senator Beaudoin has not requested further time.

Senator Taylor: I did not hear the house say that the honourable senator would be allowed only two minutes to answer my question, after which Her Honour would put the question.

I would ask the house to allow an elaboration on the same question.

Senator Stratton: No.

The Hon. the Speaker pro tempore: Leave is not granted.

It is moved by the Honourable Senator Andreychuk, seconded by the Honourable Senator Johnson, that the second report on the Standing Senate Committee on Human Rights be adopted now. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Senator Taylor: On division.

Motion agreed to and report adopted, on division.

• (1520)

NATIONAL FINANCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXAMINE ADMINISTRATIVE CONTRACT AT GOOSE BAY, LABRADOR AIRFIELD

Leave having been given to revert to Notices of Motions:

Hon. Bill Rompkey: Honourable senators, I give notice that on Tuesday next, I will move:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the administrative contract now in existence at the Goose Bay, Labrador airfield, as well as the Request for Proposals to renew the contract, to ascertain the effectiveness of this method of base operations in Canada in providing services for both military and non-military training activities;

That the Committee submit its final report no later than July 12, 2002; and

That the Committee be permitted, notwithstanding usual practices, to deposit the report with the Clerk of the Senate, if the Senate is not then sitting, and that the report be deemed to have been tabled in the chamber.

THE HALIFAX GAZETTE

MOTION IN CELEBRATION OF THE TWO HUNDRED FIFTIETH ANNIVERSARY ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Graham, P.C., seconded by the Honourable Senator Buchanan, P.C.:

That the Senate of Canada celebrates with all Canadians the 250th anniversary of Canada's first published newspaper, the *Halifax Gazette*, the publication of which on March 23, 1752, marked the beginning of the newspaper industry in Canada which contributes so much to Canada's strong and enduring democratic traditions.—(Honourable Senator Fraser).

Hon. Joan Fraser: Honourable senators, I rise to participate in this debate marking the two-hundred-fiftieth anniversary of the *Halifax Gazette*. It is a date of significant historical importance to the evolution of the press in our democracy, and it is only right that we should honour John Bushell, the printer who moved from Boston to Halifax to take over the project of Bartholomew Green. It was Bartholomew Green, another Bostonian, who had first intended to start a newspaper in Halifax, but he unfortunately died shortly after arriving in Nova Scotia. John Bushell stepped into the breach, and the rest is the history that we have been marking in this debate on Senator Graham's motion.

Honourable senators, I hope that you will forgive me if I note that next week will see another date of historic importance in Canadian journalism. It was 224 years ago, on Wednesday, June 3, 1778, in Montreal, that Fleury Mesplet published the first issue of the newspaper then called *La Gazette du commerce et littéraire pour la Ville & District du Montréal*, the paper that is still published today under the name of *The Gazette*. Not only is *The Gazette* the oldest newspaper now published in Canada, it is also one of the oldest in the world — older, for example, than *The Times* of London, the *New York Times* or *Le Monde*.

[Translation]

Like John Bushell, Fleury Mesplet was a printer, and like him as well, came to us via the United States. His past was a little more checkered than Bushell's, however. He was born in France and learned his trade there before going to work in London. It seems that this is where he met the great American journalist and revolutionary Benjamin Franklin. Because of his attraction to the American Revolution and his friendship for Franklin, Mesplet moved to Philadelphia, where he worked as a printer of French documents, including revolutionary propaganda targeting Quebecers, at the time known as "les Canadiens."

When the U.S. army occupied Montreal, Congress decided they needed a good revolutionary newspaper in Canada, and who was better suited than Mesplet? Between the time he set off from Philadelphia with his press on March 16, 1778, and the time he arrived in Montreal in early May, the U.S. army had suffered a reversal, and within weeks Montreal was back in British hands. The British wasted no time throwing him in jail, but when released after a month he was soon back to printing.

His first text read as follows: "Gentlemen — ladies were not included in those days —

Gentlemen:

I congratulate myself on having proposed to you the establishment of a periodical newspaper, not so much because of the benefits to myself as because of the benefits you will receive from it.

Here we have the very principle of the press, to serve the people.

[English]

It was a chancy business being a newspaper proprietor of known revolutionary and anti-clerical sympathies in Montreal in those years. The little paper lurched from crisis to crisis, with the worst no doubt being in 1779 when Mesplet was again imprisoned, this time for three years. When his term was up, he went right back to publishing the newspaper, though perhaps with a little less revolutionary zeal. After a few decades, the paper became bilingual, publishing in both French and English. Then, sometime around the middle of the 19th century, it became an English-language paper, as it remains today, though I note that it has again begun to publish one page a week in French.

Along the way, the paper's initial revolutionary and pro-American philosophy also changed. In the 1860s and 1870s, its editor, Brown Chamberlin, was one of Sir John A. Macdonald's closest advisors and a key architect of Macdonald's National Policy.

To return to the early days, there are marked similarities between the first issue of the *Halifax Gazette* and its younger cousin in Montreal. Both were printed on small sheets of paper — about the size of a sheet of letter paper today — and were very slim. Both contained old news, thanks to slow transportation and the lack of the telegraph at the time, slightly turgid commentary and as many ads as the hapless proprietors could attract. Both had the odd error. In the *Halifax Gazette*, I noted with some amusement an ad for an outfit called "Leigh and Wragg," who offered themselves as literacy instructors and who twice committed the egregious error of putting an apostrophe in the middle of the word "its." They referred, for example, to "Spelling, Reading, Writing in all it's different Hands." Never mind. Both had great ambitions, and they laid the groundwork for the press of the future, which is, as we know, not error free either. For their work, we owe them thanks across the centuries.

Senator Graham noted, it is the *Halifax Gazette* that first employed a woman journalist, or at least printer, in Canada. She was John Bushell's redoubtable daughter Elizabeth. Honourable senators will forgive me if I say that this was, for at least some of

us, as noteworthy an accomplishment as the actual founding of his newspaper. Today, we honour John Bushell, Fleury Mesplet and, not least, Elizabeth Bushell. We owe them much.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

STATUS OF LEGAL AID PROGRAM

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck calling the attention of the Senate to the status of legal aid in Canada and the difficulties experienced by many low-income Canadians in acquiring adequate legal assistance, for both criminal and civil matters.—(*Honourable Senator Day*).

Hon. Joseph A. Day: Honourable senators, I rise today to join in the debate on the inquiry brought forward more than one year ago by Senator Callbeck in respect of the legal aid system and, in particular, of the difficulties experienced by many low-income Canadians in acquiring adequate legal assistance for both criminal and civil matters.

Honourable senators, we have heard from several of our colleagues, primarily on problems in their respective provinces. Therein lies the first difficulty with respect to a legal aid system in Canada because the administration of justice is handled by the provinces. There is not a common standard that applies throughout Canada. Thus, I should like to discuss the role that I believe the federal government can play with respect to the legal aid system and bring honourable senators up to date on what has transpired since Senator Callbeck first brought this inquiry to our attention.

• (1530)

As some will recall, Senator Callbeck reported on the need for the federal government to increase its share of funding in both the criminal and civil legal aid areas. I am happy to report that, since she first introduced the inquiry in this chamber, there has been a significant increase in the federal government's participation.

In the fiscal years following the introduction of this inquiry, the federal government increased its funding to the criminal law component by \$40 million, bringing its total annual funding from \$80 million to in excess of \$120 million per year. This represents a 50 per cent increase in federal government participation. An additional \$10 million was given to the provinces experiencing unexpected demands due to new refugee claims.

Another piece of good news is that, since April 2001, the Department of Justice has embarked on a joint federal-provincial study into the legal aid system called "The Legal Aid Project." Its completion is expected by March 31, 2003. As honourable

senators will recall, the problems facing legal aid are not simply financial ones. That being the case, the study is fairly detailed, addressing 26 separate areas of concern. Let me provide honourable senators with a few examples of what is being studied under this program.

One area under investigation is a site study of courts in nine different centres of varying sizes across Canada. It involves both a quantitative and qualitative assessment of the types of criminal cases proceeding without representation to see how the lack of representation has affected the administration of justice.

[*Translation*]

Canada's duty counsel system is something else that needs to be further examined in order to determine where the weaknesses lie. When weaknesses are identified, the study will attempt to determine what the impact was, both on the accused and on the legal system itself. Another goal here is to determine what the start-up costs would be for jurisdictions which do not yet have this sort of system, and to find new alternatives.

[*English*]

I could go on in some detail about the 26 areas being investigated but, as my time to comment would likely run out, I will mention only some of the areas that honourable senators have previously touched on here in this chamber.

One area under investigation deals with identifying the barriers to criminal legal aid access for visible minorities, immigrants and refugees. Another area deals with the delivery of criminal legal aid services in rural and remote areas. Yet another deals with financial eligibility and limits to coverage.

Other areas of investigation concern the legal aid needs of Canada's Aboriginal people; the impact of drug prosecutions; the impact of organized crime legislation; and how the system can better deal with important, high-cost, test cases. Other areas will look at issues affecting civil legal aid, covering family law, poverty law services, and immigration and refugee services.

[*Translation*]

In addition to these areas of investigation, there are 12 pilot projects which have already been mentioned here in the House. I am referring to projects concerning family law in Newfoundland; child protection and mediation in London, Ontario; immigration and refugee services in Alberta; innovative and restorative justice for the Northern Cree in Saskatchewan; and a project to assist accused without counsel in British Columbia.

[*English*]

After reviewing the aforementioned study plan, as well as each of the statements made by Senators Callbeck, Chalifoux, Cook, Hubley, Milne, Bryden and Oliver, I believe that it would be helpful if we considered revisiting this subject by way of a motion so that we might clearly articulate a number of the principles that we believe should be guaranteed in a publicly assisted legal aid

system. For example, it would be of some assistance to state the extent to which legal representation is a matter of right as opposed to a privilege here in Canada. As lawmakers, we should not skirt this question.

The legal aid system goes to the heart of the rule of law in Canada and to the principle of due process. As such, it represents one of the lynchpins of social stability in our country. As Canada was founded on the principle of peace, order and good government — a principle that speaks to the maintenance of social stability — to ignore the role that legal aid plays in this regard is to effectively ignore one of this chamber's primary duties.

The research currently being undertaken at the bureaucratic level will help the government in its bid to respond to shortcomings in the system. The level of discussion that belongs to Parliament and to this chamber is to articulate the principles we feel should underpin broader legal aid policies.

[Translation]

As legislators, we are fully aware that what happens here in this chamber ends up in the country's law books. Yet, the laws that we pass lose much of their meaning if we overlook the fact that many of our fellow citizens are not able to use them and benefit from the protection they can provide.

For this reason, I believe it is our duty to determine together to what extent legal representation before the court represents a right that the state should defend.

[English]

This is why I believe it is our duty to collectively define the extent to which legal representation in a court of law is a right that should be supported by the state. Yet, another part of our job is to realistically reflect what we, as a nation, can afford in this regard.

Towards this end, I would suggest three possibilities. The first pertains to expanding the eligibility parameters of legal aid so as to capture the working poor. While I doubt that Canada could realistically afford a completely universal legal aid system — if only because we have enough fiscal challenges on our plate at the present time — I believe we should, as a matter of principle, help to reduce the costs for those whose incomes are above the current cut-off level, particularly the working poor. This could be accomplished by adopting a graduated eligibility standard under which state-subsidized coverage would gradually decrease as individual income rose.

Under such a regime, the subsidized component of legal aid could be shared between the federal and provincial governments, while the client would be required to cover the balance. Law societies and individual lawyers across Canada recognize that they have a role to play as well, and that they can do so in many different ways, some of which have been explained by other speakers. The aim should be to create a multi-stakeholder solution where all the parties to the legal aid system assume some measure of responsibility for making the system work.

[Senator Day]

• (1540)

A variant on this theme is to bring into being a public legal aid insurance scheme, similar to life insurance, or car or home insurance. Under this model, which has found some favour in the United States, the recipient will recover a percentage of actual legal aid costs, just as someone who has dental insurance recovers a percentage of the cost of dental work. The difficulty with such a program is that not everyone can afford the insurance premiums, but it could be an important complement to a graduated legal aid system that I have just suggested.

My second suggestion pertains to alternate dispute resolution. ADR is an expanding area. As a lawyer in my previous life, I did quite a bit of work in that particular area. I would lend my support to the process advocated by Senator Oliver. I do not think we should wait to move in that direction. I believe that the use of alternate dispute resolution means and processes should be one of the conditions for legal aid support when dealing with certain civil matters. Why tie up valuable court resources if the problems can be resolved in a less costly manner?

As it now stands, more than 90 per cent of cases are settled before a court appearance. ADR processes build on this fact, providing ways to help parties reach settlement in a more effective and efficient way.

My third suggestion is that we consider "debundling" legal aid for civil matters from the current transfer payments made by the federal government under the Canada Health and Social Transfer. As honourable senators will recall, that bundling includes education, health care and legal aid. The object would be to recognize the funding levels for legal aid, and monitor those funding levels so that they do not get lost in the bundle, since other funds are obviously very much needed for education and health care.

Moreover, to help make legal aid coverage more universally accessible, I believe the federal government needs to recommit to the previous program of a 50-50 cost-sharing split with the provinces. That is the sharing formula that was in place some years ago.

Each of these examples — and there are more as other honourable senators have mentioned — demonstrate how we can realize our goal to ensure that all Canadians have reasonable access to legal advice and support when and if needed. As legislators, we must remember that we cannot simply pass laws, as we do here every day, and then ignore the social problems that arise from our actions. The act of passing laws carries with it the responsibility of ensuring those affected by those laws have proper legal advice and representation in relation those laws.

Upon the conclusion of the debate on this inquiry, I will suggest that we resolve to ask members of the Standing Senate Committee on Legal and Constitutional Affairs and Senator Milne to consider formulating a motion that would reflect the principles of representation that we as senators feel should apply to our legal system.

On motion of Senator Pearson, debate adjourned.

[Translation]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motion:

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday next, June 4, 2002, at 2:00 p.m.

The Hon. the Speaker *pro tempore*: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, June 4, 2002, at 2:00 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(1st Session, 37th Parliament)
Thursday, May 30, 2002

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act respecting marine liability, and to validate certain by-laws and regulations	01/01/31	01/01/31	—	—	—	01/01/31	01/05/10	6/01
S-3	An Act to amend the Motor Vehicle Transport Act, 1987 and to make consequential amendments to other Acts	01/01/31	01/02/07	Transport and Communications	01/05/03 amended 01/05/09	3	01/05/10	01/06/14	13/01
S-4	A First Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	01/01/31	01/02/07	Legal and Constitutional Affairs	01/03/29	0 + 1 at 3rd	01/04/26	01/05/10	4/01
S-5	An Act to amend the Blue Water Bridge Authority Act	01/01/31	01/02/07	Transport and Communications	01/03/01	0	01/03/12	01/05/10	3/01
S-11	An Act to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other Acts in consequence	01/02/06	01/02/21	Banking, Trade and Commerce	01/04/05	17 + 1 at 3rd	01/05/02	01/06/14	14/01
S-16	An Act to amend the Proceeds of Crime (Money Laundering) Act	01/02/20	01/03/01	Banking, Trade and Commerce	01/03/22	0	01/04/04	01/06/14	12/01
S-17	An Act to amend the Patent Act	01/02/20	01/03/12	Banking, Trade and Commerce	01/04/05	0	01/05/01	01/06/14	10/01
S-23	An Act to amend the Customs Act and to make related amendments to other Acts	01/03/22	01/05/03	National Finance	01/05/17	11 + 2 at 3rd 01/06/06	01/06/07	01/10/25	25/01
S-24	An Act to implement an agreement between the Mohawks of Kanesatake and Her Majesty in right of Canada respecting governance of certain lands by the Mohawks of Kanesatake and to amend an Act in consequence	01/03/27	01/04/05	Aboriginal Peoples	01/05/10	0	01/05/15	01/06/14	8/01
S-31	An Act to implement agreements, conventions and protocols concluded between Canada and Slovenia, Ecuador, Venezuela, Peru, Senegal, the Czech Republic, the Slovak Republic and Germany for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	01/09/19	01/10/17	Banking, Trade and Commerce	01/10/25	0	01/11/01	01/12/18	30/01

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-33	An Act to amend the Carriage by Air Act	01/09/25	01/10/16	Transport and Communications	01/11/06	0	01/11/06	01/12/18	31/01
S-34	An Act respecting royal assent to bills passed by the Houses of Parliament	01/10/02	01/10/04	Rules, Procedures and the Rights of Parliament	02/03/05	4 + 1 at 3rd	02/03/19		
S-40	An Act to amend the Payment Clearing and Settlement Act	02/03/05	02/03/12	Banking, Trade and Commerce	02/03/14	0	02/03/19		
S-41	An Act to re-enact legislative instruments enacted in only one official language	02/03/05	02/03/20	Legal and Constitutional Affairs					

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-2	An Act to amend the Employment Insurance Act and the Employment Insurance (Fishing) Regulations	01/04/05	01/04/24	Social Affairs, Science and Technology	01/05/03	0	01/05/09	01/05/10	5/01
C-3	An Act to amend the Eldorado Nuclear Limited Reorganization and Divestiture Act and the Petro-Canada Public Participation Act	01/05/02	01/05/10	Energy, the Environment and Natural Resources	01/06/06	0	01/06/12	01/06/14	18/01
C-4	An Act to establish a foundation to fund sustainable development technology	01/04/24	01/05/02	Energy, the Environment and Natural Resources	01/06/06	0	01/06/14	01/06/14	23/01
C-6	An Act to amend the International Boundary Waters Treaty Act	01/10/03	01/11/20	Foreign Affairs	01/12/12	0	01/12/18	01/12/18	40/01
C-7	An Act in respect of criminal justice for young persons and to amend and repeal other Acts	01/05/30	01/09/25	Legal and Constitutional Affairs	01/11/08 negated 01/12/10	11 1 at 3rd 01/12/13	01/12/18	02/02/19	1/02
C-8	An Act to establish the Financial Consumer Agency of Canada and to amend certain Acts in relation to financial institutions	01/04/03	01/04/25	Banking, Trade and Commerce	01/05/31	0	01/06/06	01/06/14	9/01
C-9	An Act to amend the Canada Elections Act and the Electoral Boundaries Readjustment Act	01/05/02	01/05/09	Legal and Constitutional Affairs	01/06/07	0	01/06/13	01/06/14	21/01
C-10	An Act respecting the national marine conservation areas of Canada	01/11/28	02/02/05	Energy, Environment and Natural Resources					
C-11	An Act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger	01/06/14	01/09/27	Social Affairs, Science and Technology	01/10/23	0	01/10/31	01/11/01	27/01
C-12	An Act to amend the Judges Act and to amend another Act in consequence	01/04/24	01/05/09	Legal and Constitutional Affairs	01/05/17	0	01/05/29	01/06/14	7/01
C-13	An Act to amend the Excise Tax Act	01/04/24	01/05/01	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	15/01
C-14	An Act respecting shipping and navigation and to amend the Shipping Conferences Exemption Act, 1987 and other Acts	01/05/15	01/05/30	Transport and Communications	01/10/18	0	01/10/31	01/11/01	26/01

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-15A	An Act to amend the Criminal Code and to amend other Acts	01/10/23	01/11/06	Legal and Constitutional Affairs	02/02/19	2 + 1 at 3rd 02/03/12	02/03/19 Message from Commons agreeing with two amends, and disagreeing with one 02/04/24; Referred to Legal Cite 02/05/07; Report from Cite (Senate does not insist) adopted 02/05/09		
C-17	An Act to amend the Budget Implementation Act, 1997 and the Financial Administration Act	01/05/15	01/05/30	National Finance	01/06/07	0	01/06/11	01/06/14	11/01
C-18	An Act to amend the Federal-Provincial Fiscal Arrangements Act	01/05/09	01/05/31	National Finance	01/06/12	0	01/06/12	01/06/14	19/01
C-20	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2001	01/03/21	01/03/27	—	—	—	01/03/28	01/03/30	1/01
C-21	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/03/21	01/03/27	—	—	—	01/03/28	01/03/30	2/01
C-22	An Act to amend the Income Tax Act, the Income Tax Application Rules, certain Acts related to the Income Tax Act, the Canada Pension Plan, the Customs Act, the Excise Tax Act, the Modernization of Benefits and Obligations Act and another Act related to the Excise Tax Act	01/05/15	01/05/30	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	17/01
C-23	An Act to amend the Competition Act and the Competition Tribunal Act	01/12/11	02/02/05	Banking, Trade and Commerce	02/05/02	1	02/05/09		
C-24	An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts	01/06/14	01/09/26	Legal and Constitutional Affairs	01/12/04	0 + 1 at 3rd	01/12/05	01/12/18	32/01
C-25	An Act to amend the Farm Credit Corporation Act and to make consequential amendments to other Acts	01/06/12	01/06/12	Agriculture and Forestry	01/06/13	0	01/06/14	01/06/14	22/01
C-26	An Act to amend the Customs Act, the Customs Tariff, the Excise Act, the Excise Tax Act and the Income Tax Act in respect of tobacco	01/05/15	01/05/17	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	16/01
C-27	An Act respecting the long-term management of nuclear fuel waste	02/03/05	02/03/20	Energy, Environment and Natural Resources					
C-28	An Act to amend the Parliament of Canada Act, the Members of Parliament Retiring Allowances Act and the Salaries Act	01/06/11	01/06/12	—	—	—	01/06/13	01/06/14	20/01
C-29	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/06/13	01/06/14	—	—	—	01/06/14	01/06/14	24/01

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-30	An Act to establish a body that provides administrative services to the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court and the Tax Court of Canada, to amend the Federal Court Act, the Tax Court of Canada Act and the Judges Act, and to make related and consequential amendments to other Acts	02/03/05	02/03/12	Legal and Constitutional Affairs	02/03/21	0	02/03/27	02/03/27	8/02
C-31	An Act to amend the Export Development Act and to make consequential amendments to other Acts	01/10/30	01/11/20	Banking, Trade and Commerce	01/11/27	0	01/12/06	01/12/18	33/01
C-32	An Act to implement the Free Trade Agreement between the Government of Canada and the Government of the Republic of Costa Rica	01/10/30	01/11/07	Foreign Affairs	01/11/21	0	01/11/22	01/12/18	28/01
C-33	An Act respecting the water resources of Nunavut and the Nunavut Surface Rights Tribunal and to make consequential amendments to other Acts	01/11/06 (withdrawn 01/11/21)	01/11/27	Energy, the Environment and Natural Resources	02/03/21	1	02/03/26	02/04/30	10/02
	01/11/22 (reintroduc ed)								
C-34	An Act to establish the Transportation Appeal Tribunal of Canada and to make consequential amendments to other Acts	01/10/30	01/11/06	Transport and Communications	01/11/27	0	01/11/28	01/12/18	29/01
C-35	An Act to amend the Foreign Missions and International Organizations Act	01/12/05	01/12/14	Foreign Affairs	02/03/13	0	02/04/25	02/04/30	12/02
C-36	An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism	01/11/29	01/11/29	Special Committee on Bill C-36	01/12/10	0	01/12/18	01/12/18	41/01
C-37	An Act to facilitate the implementation of those provisions of first nations' claim settlements in the Provinces of Alberta and Saskatchewan that relate to the creation of reserves or the addition of land to existing reserves, and to make related amendments to the Manitoba Claim Settlements Implementation Act and the Saskatchewan Treaty Land Entitlement Act	01/12/04	01/12/17	Aboriginal Peoples	02/02/19	0	02/02/20	02/03/21	3/02
C-38	An Act to amend the Air Canada Public Participation Act	01/11/20	01/11/28	Transport and Communications	01/12/06	0	01/12/11	01/12/18	35/01
C-39	An Act to replace the Yukon Act in order to modernize it and to implement certain provisions of the Yukon Northern Affairs Program Devolution Transfer Agreement, and to repeal and make amendments to other Acts	01/12/04	01/12/12	Energy, the Environment and Natural Resources	02/03/07	0	02/03/27	02/03/27	7/02
C-40	An Act to correct certain anomalies, inconsistencies and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal certain provisions that have expired, lapsed, or otherwise ceased to have effect	01/11/06	01/11/20	Legal and Constitutional Affairs	01/12/06	0	01/12/10	01/12/18	34/01

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-41	An Act to amend the Canadian Commercial Corporation Act	01/12/06	01/12/14	Banking, Trade and Commerce	02/02/07	0	02/02/21	02/03/21	4/02
C-43	An Act to amend certain Acts and instruments and to repeal the Fisheries Prices Support Act	02/04/16	02/04/25	Legal and Constitutional Affairs					
C-44	An Act to amend the Aeronautics Act	01/12/06	01/12/10	Transport and Communications	01/12/13	0	01/12/14	01/12/18	38/01
C-45	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/12/05	01/12/17	—	—	—	01/12/18	01/12/18	39/01
C-46	An Act to amend the Criminal Code (alcohol ignition interlock device programs)	01/12/10	01/12/12	Committee of the Whole	01/12/12	0	01/12/13	01/12/18	37/01
C-47	An Act respecting the taxation of spirits, wine and tobacco and the treatment of ships' stores	02/05/28	02/05/30	Banking, Trade and Commerce					
C-49	An Act to implement certain provisions of the budget tabled in Parliament on December 10, 2001	02/03/19	02/03/20	National Finance	02/03/25	0	02/03/27	02/03/27	9/02
C-50	An Act to amend certain Acts as a result of the accession of the People's Republic of China to the Agreement Establishing the World Trade Organization	02/04/30	02/05/09	Foreign Affairs					
C-51	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	02/03/20	02/03/25	--	--	--	02/03/26	02/03/27	5/02
C-52	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003	02/03/20	02/03/26	--	--	--	02/03/27	02/03/27	6/02

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-441	An Act to change the names of certain electoral districts	02/04/23							

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	01/01/31	01/01/31	National Finance	01/03/28	5	referred back to Committee 01/10/23		
S-7	An Act to amend the Broadcasting Act (Sen. Finestone, P.C.)	01/01/31	01/02/07	Transport and Communications	01/06/05	0	01/06/07		
S-8	An Act to maintain the principles relating to the role of the Senate as established by the Constitution of Canada (Sen. Joyal, P.C.)	01/01/31	01/05/09	Rules, Procedures and the Rights of Parliament					
S-9	An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools)	01/01/31							

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-10	An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate) (Sen. Grafstein)	01/01/31	01/02/08	—	—	—	01/02/08 Senate agreed to Commons amendment 01/12/12	01/12/18	36/01
S-12	An Act to amend the Statistics Act and the National Archives of Canada Act (census records) (Sen. Milne)	01/02/07	01/03/27	Social Affairs, Science and Technology	01/12/14	0	referred back to Committee 02/03/25		
S-13	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	01/02/07	01/05/02	Rules, Procedures and the Rights of Parliament (Committee discharged from consideration—Bill withdrawn 01/10/02)					
S-14	An Act respecting Sir John A. Macdonald Day and Sir Wilfrid Laurier Day (Sen. Lynch-Staunton)	01/02/07	01/02/20	Social Affairs, Science and Technology	01/04/26	0	01/05/01	02/03/21	2/02
S-15	An Act to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada (Sen. Kenny)	01/02/07	01/03/01	Energy, the Environment and Natural Resources	01/05/10	0	01/05/15	Bill withdrawn pursuant to Commons Speaker's Ruling 01/06/12	
S-18	An Act to Amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	01/02/20	01/04/24	Social Affairs, Science and Technology (withdrawn) 01/05/10 Energy, the Environment and Natural Resources	01/11/27	0			
S-19	An Act to amend the Canada Transportation Act (Sen. Kirby)	01/02/21	01/05/17	Transport and Communications					
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	01/03/12							
S-21	An Act to guarantee the human right to privacy (Sen. Finestone, P.C.)	01/03/13	Dropped from Order Paper pursuant to Rule 27(3) 02/04/16	(Subject-matter 01/04/26 Social Affairs, Science and Technology)	(01/12/14)				
S-22	An Act to provide for the recognition of the Canadian horse as the national horse of Canada (Sen. Murray, P.C.)	01/03/21	01/06/11	Agriculture and Forestry	01/10/31	4	01/11/08	02/04/30	11/02

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-26	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	01/05/02	01/06/05	Transport and Communications					
S-29	An Act to amend the Broadcasting Act (review of decisions) (Sen. Gauthier)	01/06/11	01/10/31	Transport and Communications					
S-30	An Act to amend the Canada Corporations Act (corporations sole) (Sen. Atkins)	01/06/12	01/11/08	Banking, Trade and Commerce					
S-32	An Act to amend the Official Languages Act (fostering of English and French) (Sen. Gauthier)	01/09/19	01/11/20	Legal and Constitutional Affairs					
S-35	An Act to honour Louis Riel and the Metis People (Sen. Chalifoux)	01/12/04							
S-36	An Act respecting Canadian citizenship (Sen. Kinsella)	01/12/04		(Subject-matter 02/04/16 Social Affairs, Science and Technology)					
S-37	An Act respecting a National Acadian Day (Sen. Comeau)	01/12/13	02/03/27	Social Affairs, Science and Technology					
S-38	An Act declaring the Crown's recognition of self-government for the First Nations of Canada (Sen. St. Germain, P.C.)	02/02/06							
S-39	An Act to amend the National Anthem Act to include all Canadians (Sen. Poy)	02/02/19							
S-42	An Act to amend the Canada Post Corporation Act (householder mailings) (Sen. Taylor)	02/03/26							
S-43	An Act to protect heritage lighthouses (Sen. Forrestall)	02/05/02							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-25	An Act to amend the Act of incorporation of the Conference of Mennonites in Canada (Sen. Kroft)	01/03/29	01/04/04	Legal and Constitutional Affairs	01/04/26	1	01/05/02	01/06/14	42/01
S-27	An Act to authorize The Imperial Life Assurance Company of Canada to apply to be continued as a company under the laws of the Province of Quebec (Sen. Joyal, P.C.)	01/05/17	01/05/29	Legal and Constitutional Affairs	01/05/31	0	01/05/31	01/06/14	43/01
S-28	An Act to authorize Certas Direct Insurance Company to apply to be continued as a company under the laws of the Province of Quebec (Sen. Joyal, P.C.)	01/05/17	01/05/29	Legal and Constitutional Affairs	01/05/31	0	01/05/31	01/06/14	44/01

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OFFICIAL REPORT
(HANSARD)

Tuesday, June 4, 2002

—

THE HONOURABLE DAN HAYS
SPEAKER

This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Tuesday, June 4, 2002

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

THE LATE ROBERT E. J. LAYTON

TRIBUTE

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, it is with great sadness that all those who knew Robert Layton learned of his death earlier this month. While best known by Canadians as a member of the first Mulroney government in 1984 and later as Chairman of the Progressive Conservative Caucus, Bob's great legacy is his many contributions to the Montreal community as a third generation Layton, a prominent and committed Montreal family.

Bob's grandfather, who was blind, trained as a organist and piano tuner in England, emigrated to Canada and established a successful piano business in Montreal. He was a founder of the Montreal Association for the Blind. Bob's father, Gilbert, was a member of the Quebec legislature and a main proponent of pensions for the blind, which turned out to be the first such federal program, known then as a social security program. He and his wife were also actively involved in the Montreal Association for the Blind, and Bob succeeded his father as its chairman. For many years, he involved himself actively in all aspects of its administration.

Whatever Bob was involved in was guaranteed an enthusiastic and determined supporter. As President of the Westmount Rotary Club, he spearheaded the construction of Manoir Westmount, a seniors' housing and nursing facility. He chaired the Alma Mater Fund of McGill University. He led in the expansion of various community facilities in Hudson, a suburb of Montreal, where he and his wife, Doris, lived for many years and raised their three children. During all of this, Bob and a partner established a most successful architecture and engineering design firm that at one time employed more than 100 professionals.

Bob entered politics on the eve of his retirement from his firm. He was elected in the Lachine riding 1984 and re-elected in 1988. His chairmanship of the PC caucus benefited from the many personal skills and attributes that he had used so successfully in private life. Anyone attending the weekly meetings of the PC caucus at that time, which were not always serene, believe me, was repeatedly struck by how well he melded an engaging personality and patience with firmness and determination. He had the confidence of all and his discretion was legendary. Above all, he showed no favourites, always remaining neutral, whatever the issue, and he remained a firm proponent of loyalty to leader and party. Put simply, he had no axe to grind. According to him, his sole purpose in entering public life was to serve a community and a country that had been so good to him and his family for so

many years. In fact, his community and his country owe him a lasting debt of gratitude for his unlimited contributions — contributions that will be a lasting tribute to a very fine man.

THE SENATE

EARLY EXPERIENCE ON BECOMING SENATOR

Hon. Ronald J. Duhamel: Honourable senators, when I was appointed to the Senate in September, I was overwhelmed — and that is not an exaggeration — by the kindness of all senators: their warmth, their knowledge of issues, and I could go on. Allow me to add one more point: how much work and the quality of work being done in the Senate is not always known or appreciated. I had some idea, but having been here for only a short time, I assure honourable senators that I can now speak about the Senate with even more passion than I did before.

The work that is done by senators, and a great amount of that has been done by certain individuals, has been quality work on important issues and questions. I thank honourable senators for that.

[Translation]

You have been warm and welcoming to me and I thank you all. I greatly appreciated your reception. The issues you deal with here are very important and I appreciate them more and more, every day, every week, every month. Several Canadians share my opinion.

When I arrived here, bursting with enthusiasm, I felt I was capable of getting right down to work. I hesitated, however, because of the medication I was having to take. I did, however, start preparing and identifying the projects I could pursue once my health allowed. That was my plan.

If I hesitated to respond to the kind offers to join a committee, it is because I was afraid I would have to withdraw.

[English]

I had hoped to become involved in Senate activities quickly because that is my nature, but I was afraid that the new medication I was about to take would prevent me from continuing the work I had started. I compromised and decided that I would wait to see what my health would permit. By the end of June, I will have done a modest amount of work, compared to many of my more active colleagues, on two important projects. One will be with Ms Maria Chaput, whom some honourable senators have met, on the issue of assimilation in Manitoba. I wanted to ensure that Ms Chaput was available in case I could not make the presentation.

[Translation]

Ms Chaput has 25 years of experience, and can evoke a cultural space.

• (1410)

[English]

I have identified another four to six projects, at least.

The Hon. the Speaker: Honourable Senator Duhamel, I regret to advise you that your three-minute statement time has expired.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, may the senator have leave to continue his statement?

Hon. Senators: Agreed.

The Hon. the Speaker: Please continue, senator.

Senator Duhamel: I will not take more than 10 seconds, honourable senators.

I hope to be able to pursue these additional four to six projects in the fall.

I wish all honourable senators a great summer. I look forward to seeing you all in the fall.

CHINA

THIRTEENTH ANNIVERSARY OF TIANANMEN SQUARE MASSACRE

Hon. Consiglio Di Nino: Honourable senators, today people everywhere pause to mark once again the anniversary of the 1989 massacre in Beijing's Tiananmen Square. It was 13 years ago today that Chinese authorities used tanks and troops to suppress popular demonstrations that were taking place in favour of greater personal and political freedom in China. Against a massive show of armed force put on by their government, the courageous people of China who were gathered in Tiananmen Square that day had only banners and hope. Within the space of a few short hours, what to that point had been a peaceful and joyous expression of popular desire for change was crushed. In its place was a tangled carnage of bodies, blood and bent bicycles.

Honourable senators will remember how the Chinese government at first denied that anything untoward had taken place. When faced with massive, worldwide condemnation, they tried to take the high road by branding those in the square as traitors, terrorists and undesirable elements. Who can forget the picture of that one lone man, standing bravely before a line of tanks?

Honourable senators, the events of June 4, 1989, remind us of a fundamental reality. It is a reality that has not changed despite all of this government's talk about self-power and velvet diplomacy. China is a dictatorship. It is a nation governed by a small cadre that systematically denies its citizens fundamental civil, political and religious rights — rights that they are entitled to as members of a civilized world, and rights that most people in most countries

take for granted. Ultimately, however, I firmly believe that freedom will come to China and to its people. There will be political and economic reform. It is only a matter of time.

The Chinese government's policy of having many fingers in the dyke cannot last forever. It takes more than tanks and bullets to destroy the human spirit's thirst for freedom, which the Chinese people have admirably demonstrated. The people in Tiananmen Square paid a heavy price for their beliefs. Many paid the ultimate price. It is to be hoped that what happened that day will not have been in vain. That is why we in this country, and people in every democracy throughout the world, owe it to those courageous Chinese to remember their sacrifice and, in their memory, to continue to push for freedom and democracy in China.

[Translation]

FORTUNES OF LIBERAL PARTY

Hon. Laurier L. LaPierre: Honourable senators, like Sir Wilfrid Laurier, some of us here can say unequivocally:

I am a Liberal, and like them I feel that there are abuses to set right, new horizons to be explored, new strengths to be developed.

[English]

We've had a bad week!

However, it was a week that was far from being as bad or as shattering as those who do not share the depth of our fortitude, predicted for us. Over the weekend, the dollar was to collapse and the economy was to drop from the height to which this government has propelled it with the intelligence and the dogged determination of a remarkable and dedicated man, the Honourable Paul Martin, aided by cabinet colleagues who contributed their advice, concern and abilities, a strong caucus that articulated clearly its hopes and aspirations, and a Prime Minister who leads with extraordinary vigour, constantly opening up opportunities in order for others to seize the day. We seized the day, and none of what was predicted, and even hoped for, has occurred.

Over the weekend, and on this very day, journalists, pundits, business executives and experts of all kinds and sorts, attuned to their ignorance of Canadian political history, of constitutional practices and of the workings of parliamentary government — and with a repetition that dims the art of the rapper, and claiming to be inspired by the Holy Ghost — took out their crystal ball and, with an infallibility that would put the Pope to shame, announced, among other things, that the Prime Minister's African strategy was in shambles; that the cities would not have a hope in hell of getting well through an infusion of federal monies; and, above all, that the Prime Minister was toast. — and that it was, and is, all the fault of the people of Quebec.

The essential reason for this massive outpouring of non-talent is not to weaken or defeat the Liberal Party; it is essentially to humiliate and, most deliberately, to bring the Prime Minister of Canada to his knees and force him to resign.

Honourable senators, we shall not allow that to happen, and we shall overcome. Vive le Canada!

POLITICS OF LIBERAL PARTY

Hon. Gerry St. Germain: Honourable senators, once again, the country's interests have been relegated to second place by an arrogant government more concerned with political survival and partisan posturing than with anything else. The Prime Minister has had a showdown with one of his senior ministers, and Canadians were the losers. While the two tangled over who would be the leader of a tired, directionless, political party, Canada's economic stability and our international reputation were left to hang out to dry.

Regardless of the victor in this high drama shootout, Chrétien or Martin, Canadians will be left with a tired and out-of-touch dictator at the helm. The Prime Minister is a relic of the past era, plodding along without direction and without vision. The minister he fired, the would-be leader, is also a man from another era with ambitions that far exceed his abilities. Canadians will never forget that he is the minister who steered us to a 60-cent dollar and has allowed foreigners to expropriate our corporations at fire sale prices. New leadership is required in this country, and it cannot be found within the ranks of the arrogant Liberal Party, regardless of who wins this internal war.

THE LATE OTTO LOWY

TRIBUTE

Hon. Francis William Mahovlich: Honourable senators, last week Canada lost one of its greatest storytellers. Otto Lowy, host of CBC radio's musical series "The Transcontinental," passed away at the age of 81. For 22 years he took us on a weekly journey through Europe, on one of the CBC's most popular shows.

Mr. Lowy was born in Prague, Czechoslovakia, came to Canada in the early nineteen fifties, and settled in Vancouver where he dedicated himself to the arts community. He was one of the first members of ACTRA and, at one time, served as national director.

This most remarkable individual received many awards throughout his lifetime. In 1994, he was awarded the Austrian Gold Cross of Merit for Science and the Arts and also received a Great Honour Medal for Services to the State of Lower Austria. He was inducted into the British Columbia Entertainment Hall of Fame in 1998, in recognition of his work in broadcasting over the last 50 years.

In 1999, the Czechoslovakian Association of Canada awarded him the Masaryk Award for his contributions in creating awareness, in Canada, of Czech music and history. He also received the Czech Republic's President's Award, personally brought to Canada by Czech President Vaclav Havel. A great Canadian broadcaster, actor, writer and director, Mr. Lowy will be fondly remembered by all his loyal listeners.

Last Sunday, my wife and I enjoyed the last program of "The Transcontinental." They played Bob Hope's theme song, "Thanks for the Memories," which was sung by Vera Lynn. I

hope, honourable senators, you will join with me in extending our deepest condolences to Mr. Lowy's family.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I should like to draw your attention to the presence in our gallery of Mr. Halldor Blondal, President of the Althingi, the Icelandic Parliament. He is accompanied by his wife, by one of his parliamentary colleagues, the chairman of their fisheries committee, and by Iceland's ambassador to Canada.

Welcome to the Senate of Canada.

Honourable senators, I should also like to draw your attention to the presence in our gallery of a former Senate colleague, the Honourable Richard Stanbury, accompanied by his wife.

Welcome back.

• (1420)

ROUTINE PROCEEDINGS

LEGISLATIVE INSTRUMENTS RE-ENACTMENT BILL

REPORT OF COMMITTEE

Hon. Lorna Milne, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Tuesday, June 4, 2002

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

EIGHTEENTH REPORT

Your Committee, to which was referred Bill S-41, *An Act to re-enact legislative instruments enacted in only one official language*, has, in obedience to the Order of Reference of Wednesday, March 10, 2002, examined the said Bill and now reports the same with the following amendments:

1. *Page 1, clause 2:* Replace line 15 with the following:

"(a) an instrument enacted before the coming into force of section 7 of the *Official Languages Act* on September 15, 1988 by, or with the"

2. *Page 2, clause 4:*

(a) Replace lines 11 to 13 with the following:

"guage and, at the time of its enactment, was published in only one official language or was exempted by law from the requirement to be published in a government publication, the Governor in"

(b) Replace lines 29 to 37 with the following:

"subsection (1) unless the contravention occurred after the instrument was re-enacted and published in both official languages."

3. *Page 3, clause 4:* Add, after line 10, the following:

"(7) Upon the expiration of six years after this Act comes into force, any legislative instrument described in subsection (1) that has not been re-enacted in both official languages is repealed."

4. *Page 3, clause 6:* Replace lines 29 to 37 with the following:

"6. The English and French versions of an instrument re-enacted under section 3 or 4 are equally authoritative."

5. *Page 3, new clauses:* Add after line 37 the following:

"7. An instrument that was repealed or that otherwise ceased to have effect on or before the day on which this Act comes into force is not by virtue of this Act or any regulation made under this Act revived in respect of any period subsequent to its repeal or ceasing to have effect.

8. (1) The *Statutory Instruments Act* does not apply to an instrument re-enacted under section 3 or to a regulation made under section 4.

(2) Instruments re-enacted under section 3 and regulations made under section 4 stand permanently referred to the Committee referred to in section 19 of the *Statutory Instruments Act* for review and scrutiny.

9. (1) Within five years after the day on which this Act comes into force, the Minister of Justice shall complete a review of the implementation and operation of section 4.

(2) Subject to subsection (3), within one year after the review is completed pursuant to subsection (1), or within such further time as may be authorized by both Houses of Parliament, the Minister of Justice shall submit a report on the review to each House of Parliament that includes

(a) a description of the measures taken to identify legislative instruments referred to in subsection 4(1);

(b) a list of any legislative instruments that have been repealed and re-enacted under subsection 4(1); and

(c) a list of any legislative instruments referred to in that subsection that have been identified but that have not been repealed and re-enacted.

(3) The report referred to in subsection (2) shall, in respect of legislative instruments of a class referred to in subsection 15(3) of the *Statutory Instruments Regulations*, set out only the number of such instruments that are the types described in paragraphs (2)(a) and (b)."

Respectfully submitted,

LORNA MILNE
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Milne, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

FISHERIES

BUDGET AND REQUEST FOR AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON MATTERS RELATING TO OCEANS AND FISHERIES— REPORT OF COMMITTEE PRESENTED

Hon. Gerald J. Comeau, Chair of the Standing Senate Committee on Fisheries, presented the following report:

Tuesday, June 4, 2002

The Standing Senate Committee on Fisheries has the honour to present its

SIXTH REPORT

Your Committee, which was authorized by the Senate on March 25, 2002, to examine and report upon the matters relating to oceans and fisheries, respectfully requests, that it be empowered, to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to adjourn from place to place within and outside Canada for the purpose of such study.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

GERALD COMEAU
Chair

(For text of report, see today's Journals of the Senate, p. 1662.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Comeau, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

CONSULTATION PROCESS OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT DEPARTMENT ON ABORIGINAL SELF-GOVERNMENT

NOTICE OF INQUIRY

Hon. Aurélien Gill: Honourable senators, pursuant to rule 57(2), I give notice that on Thursday next, June 6, 2002:

I will call the attention of the Senate to the consultation process by the Department of Indian and Northern Affairs regarding self-government and governance.

[English]

UNVEILING OF PORTRAITS OF SIR JOHN ABBOTT AND SIR MACKENZIE BOWELL AND RESULTING INSIGHTS ON CURRENT EVENTS

NOTICE OF INQUIRY

Hon. Lowell Murray: Honourable senators, I give notice that on Thursday next, I will draw the attention of the Senate to (a) the unveiling of the portraits of former Prime Ministers Sir John Abbott and Sir Mackenzie Bowell on Monday, June 3, and (b) insights to current events to be gleaned therefrom, including the challenge to Prime Minister Bowell by Sir George Foster, his finance minister.

QUESTION PERIOD

TREASURY BOARD

DISCLOSURE OF WRONGDOING IN THE WORK PLACE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, last week, the Prime Minister issued his warning to his rebel ministers and his rebel MPs, and on Sunday last we saw the warning acted upon by the Prime Minister with the finance minister being replaced. The week before, the defence minister was fired. The ministers can look after themselves, and I am sure some of the MPs are able to gather together and look after themselves. I am more concerned with the warning the Prime Minister directed at public servants, when the Prime Minister stated:

Bureaucrats? Give me the names of the bureaucrats too who would do that.

Obviously, honourable senators, a question must be put to the Leader of the Government in the Senate and, thus, to the government. Is the policy of the Treasury Board the policy on internal disclosure of information concerning wrongdoing in the workplace? This is a policy which the President of the Treasury Board describes on her Web site as:

...when an employee has reasonable grounds to believe that another person has committed a wrongdoing in the workplace, he/she should be able to disclose this information through clearly defined processes with confidence that he/she will be treated fairly and protected from reprisal.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, that is the policy of the Government of Canada. It is announced by the Treasury Board, and is fully supported by the Prime Minister of this country.

PUBLIC WORKS AND GOVERNMENT SERVICES

SPONSORSHIP PROGRAMS—CONTRACTS AWARDED TO GROUPLICATION MARKETING INC.

Hon. W. David Angus: Last Thursday, the Prime Minister defended the very flawed contracting process that led to the Groupaction scandal as being a necessary measure to help keep Canada unified. However, the Auditor General has told us that Groupaction was paid for work it did not, in fact, perform. Her report states:

Key elements of what was specified in the contracts were never delivered, and no one has been able to find either a draft or an earlier version for the report for the second contract, for which the government paid \$549,990.

Officials approved payments for work that varied considerably from what the contracts specified. In a few cases, payments were approved with the knowledge that the requirements of the contracts had not been fully met.

Honourable senators, most Canadians would not even write a \$50 cheque to an electrician who had fixed the lighting system in their house until they could flip a switch and see the lights come on, let alone issue a cheque for \$550,000.

My question to the Leader of the Government in the Senate is, if, as Mr. Chrétien pretends, the sponsorship program was so essential to holding our country together, why was no effort made to ensure that the work was actually carried out before a cheque was issued?

Hon. Sharon Carstairs (Leader of the Government): The purpose of the sponsorship program is to support festivals and artistic endeavours, as well as sports activities. The program has recently been halted because the government wanted to ensure that all the appropriate measures in accountability and transparency were being taken.

Let us be very clear here, it was the government that called in the Auditor General. It was the government that indicated that, if the RCMP needed to be called in, they would be. It is the government who has, upon reviewing the Auditor General's report, indicated that there needs to be a much broader examination of the sponsorship program, and that is being undertaken.

Senator Angus: Honourable senators, I appreciate that concession from the government leader. We understand, the Prime Minister himself has conceded that almost none of the established rules for the contracting process was followed, and that millions of dollars may have been stolen or lost as a consequence. Can the government leader please give us an idea of how much money has been stolen or lost as a result of this flawed process?

Senator Carstairs: What the Prime Minister said, and very clearly, was that monies "might have been," or "perhaps were," and that is exactly why the Auditor General has been called in. That is why she has been encouraged to broaden her investigation. The Prime Minister went on to say that, if it were discovered that criminal activity did take place, the accused would be prosecuted to the full extent of the law.

• (1430)

SPONSORSHIP PROGRAMS—IDENTIFICATION OF SOURCES OF LEAKS TO MEDIA

Hon. Gerry St. Germain: Honourable senators, I point out to the Leader of the Government in the Senate that when reference is made to the fact that the government did this and that, they only did "this and that" after information had surfaced from whichever source. That is the only time that the government took action.

On Saturday, the *Winnipeg Sun* reported that the Government Leader in the Senate lashed out at bureaucrats and fellow Liberals, urging those who had leaked information about government corruption to be honest and step forward. If the information emerging is correct, why would we want these people to step forward and be recognized? If the information is correct about the Liberal Party and the goings-on within these ministries, why would we be concerned about where the information is coming from while seeking transparency and honesty?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I will begin by encouraging Senator St. Germain to come to my office and listen to the actual tape of the interview that I had with the *Winnipeg Sun*. Not by the greatest stretch of imagination could the interpretation of that interview be that I lashed out at anyone. I have it on tape. The honourable senator is more than welcome to come and listen to it in my office.

I would point out to the honourable senator that the government began its investigation after the information surfaced. An audit was put into place within the Department of Public Works and Government Services in the year 2000, during which irregularities were discovered. The government then put into place rules and regulations aimed at correcting those mistakes and irregularities. Indeed, the government has been engaged in this file for some time.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— WITHDRAWAL OF NH INDUSTRIES FROM COMPETITION

Hon. J. Michael Forrestall: Honourable senators, my question is to the Leader of the Government in the Senate. I ask this question because sometimes I think that the minister believes that I have forgotten about helicopters.

I have been told that NH Industries is in the process of withdrawing from the Maritime Helicopter Project competition, if it has not already done so. Can the minister confirm that this is indeed the case, and that now only Sikorsky and EH Industries remain?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I have not been informed that NH Industries has withdrawn from the bidding process, but I will attempt to elicit

that information and either confirm or deny what the honourable senator has put before the chamber this afternoon.

Senator Forrestall: Honourable senators, we will soon be adjourning with 60 or 70 questions on the Order Paper. We will not be out of here next week; just watch. Remember where you heard it first.

I have been told, honourable senators, that if only two companies are left in the competition to replace the Sea King, the government could very well bypass the pre-qualification phase and move immediately to a request for proposal. Could the minister ascertain if that is true and return to us with a reply on whether it is the government's intention to request proposals?

Could the minister also tell us if NH Industries has, at any time in the past, complained about the maritime helicopter competition? If so, what was the nature of that complaint? If the Honourable Leader of the Government in the Senate could ferret out that information, I would be grateful.

Senator Carstairs: There are a number of parts to the honourable senator's question: First, is there to be a change in the process? I would say that no determination has been made at this point that there will be any change in the process. The process will continue to be the one that has been clearly outlined on the Web site for some time.

In regard to the 60 or 70 questions that the honourable senator has put on the Order Paper, I think that it is more like 225 questions, all of which have been answered, perhaps not always to the honourable senator's satisfaction. However, they have been answered.

As to the honourable senator's final questions, I think it has been clear all along that all of the companies engaged in the process of bidding on these helicopters have raised objections. That has made it such an open and transparent process.

Senator Forrestall: The minister will be aware, of course, that there is a world of difference between raising valid objections to a part of a process and complaining about it. I wonder whether the minister would keep that in mind when she obtains information that she can bring back to us.

Senator Carstairs: Honourable senators, obviously, all of these busy companies would like the specifications to actually meet their specifications. They would be delighted, clearly, if the government would come forward with a proposal for a helicopter design that absolutely met every single thing that they could do. However, that is unlikely to be the case. Most of the concerns and complaints raised by the companies are published on the Web site.

[Translation]

FINANCE

TAX OVERPAYMENTS TO PROVINCES

Hon. Roch Bolduc: Honourable senators, my question is for the Leader of the Government in the Senate. We have learned from the media that the federal government apparently made overpayments to the provinces. Some of them were due to a fairly complicated equalization formula, which uses forty odd criteria to distribute funds. There are also transfer payments other

than equalization. The result is that every year, for equalization alone, one per cent of Canada's gross national product, the equivalent of \$10 billion or \$11 billion annually, plus the other transfer payments, goes back to the provinces.

For four or five years, there have apparently been mistakes in how the federal government worked out the formula. Public servants apparently miscalculated and made overpayments to the provinces.

Is Ottawa going to try to recover this money from the provinces? This will have a serious impact on the finances of certain provinces. Manitoba, the province our whip is from, has apparently received overpayments of \$450 million. In Ontario, the figure is \$2.8 billion. This is a lot of money.

Right now, we know that former Minister of Finance, Mr. Martin, would have agreed to let this go. This morning, we learned that Mr. Manley does not agree. He wants to recover the money. Could we know Mr. Chrétien's views on this?

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, let me begin by saying that there has been absolutely no change in the fiscal policy of the government from one Minister of Finance to the other. The honourable senator has raised an issue this afternoon about overpayments. The one that clearly is of the greatest concern to me is the overpayment to the Province of Manitoba because, in proportion to its number of citizens, it is far larger than the overpayment to the Province of Ontario.

The Auditor General has just reported this week on what she believes are the most accurate statistics. There is more clarity, I must tell you, in the period between 1996 and 1999 than there is in the period between 1993 and 1996. However, the government has been discussing the entire issue with the provinces. At this point in time, no decision has been made.

[Translation]

Senator Bolduc: Am I to understand that you do not yet know whether you will be recovering this money or allowing the provinces to keep it? This is serious: we are talking about \$4 billion! It is almost 40 per cent of annual equalization payments.

[English]

Senator Carstairs: As the honourable senator may well know, the matter is even more complicated than that. In light of overpayments to my province, for example, the Province of Manitoba, it also means that they probably did not receive the amount of equalization payments to which they would have been entitled, had they not received this overpayment.

This is a very complicated file; thus negotiations are ongoing, and no decisions have been made.

• (1440)

Hon. Terry Stratton: Honourable senators, I would like to follow up on Senator Bolduc's question because, as the minister knows, we are concerned about the overpayment to Manitoba in the sum of \$608 million. I had asked a question on this matter before, and the minister had assured me that it was being closely examined. However, it keeps persisting.

[Senator Bolduc]

In the *Winnipeg Sun* of May 23, David Gamble told us that Paul Martin, then the finance minister, was ready to write off all or most of the \$608 million. However, Mr. Gamble goes on to say that two key Ontario ministers, Deputy Prime Minister John Manley and Transport Minister David Collenette, are leading the charge to have Ontario, Alberta, Manitoba, and B.C. cough up the money, as it were.

I know the minister is involved with this matter at the cabinet level. Certainly, she can take the rumour mills out of the newspapers by saying unequivocally that that is not true. Is it true that these ministers are pushing for this re-embursement?

Senator Carstairs: Honourable senators, let me begin by saying that I share the honourable senator's concern, particularly with respect to our province, but also for the other provinces that have been affected.

Members of the government, including the former excellent finance minister, have maintained all along that the issue could not be determined until we had a correct evaluation and a clear set of numbers. Honourable senators, that clear set of numbers was provided to the government only this week. Unlike what the newspapers might have to say, no discussions have taken place at this point in time.

POLITICS OF LIBERAL PARTY

COMMENTS BY NEWLY ELECTED MEMBER OF PARLIAMENT FOR BONAVISTA-TRINITY-CONCEPTION

Hon. C. William Doody: Honourable senators, my question is for the Leader of the Government in the Senate. It is prompted by a concern for the obviously distraught condition exhibited by my friend, the recently elected member for Bonavista-Trinity-Conception, Newfoundland. He is quoted in the *St. John's Telegram* as having said:

My god, is there anywhere I can go in the political world that I can get some peace and quietness? I have only been here two weeks and look at the mess that happened: two ministers fired and one minister transferred from his post to a position of house leader.

Is there any comfort or solace that the Leader of the Government can offer? He is obviously quite concerned.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I am very sorry that he is so concerned. I must say that I think it is incredibly naive for someone to enter political life and think that he or she will have peace and quiet.

Senator Doody: Honourable senators, I do not know if Mr. Efford will take comfort from that answer. He goes on to say:

I do not know that the Prime Minister has the ability. Can he bring the party, the caucus, back together? It is not going to be an easy task.

Obviously, Mr. Efford wants this to be a public hearing, and perhaps the Leader of the Government could offer him some advice.

Senator Carstairs: Honourable senators, my advice is that he should put his confidence and faith in the Prime Minister, who has been an active member of the political process for 39 years. He has proven himself over and over to be quite capable of smoothing and soothing the waters when it is necessary to do so.

Senator Stratton: You have to be kidding!

Senator Doody: Honourable senators, as for Mr. Efford putting the question directly to the Prime Minister, I suspect the Prime Minister will hear about it anyway.

Honourable senators, to finish this for now, Mr. Efford goes on to say:

They are going to drive a wedge in. The opposition has found a weakness in the Liberal Party, and now when you lose a finance minister with Paul Martin's calibre, the opposition, oh, my God, will drive that wedge further. Where does it stop?

Can the minister give us any indication as to when it will stop?

Senator Carstairs: Honourable senators, there is no question that the last two weeks have been difficult. However, I have some assurance that it is the intention of the Prime Minister to play golf this Sunday. We can assume, therefore, that the so-called haemorrhaging, if you will, has stopped, that the government is in the Prime Minister's control and that the Prime Minister has the confidence of not only his colleagues in this chamber but in the other chamber as well.

REPLACEMENT OF SEA KING HELICOPTERS— POSSIBLE SUPPORT FOR PROGRAM

Hon. J. Michael Forrestall: Honourable senators, I, too, have to make up my mind about confidence in the leadership of the other party in Canada. Could the minister tell me whether I have a better chance backing Paul Martin or Prime Minister Chrétien to get helicopters for the Canadian Navy?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I think we have the suggestion that the honourable senator on the other side might like to drop his present political affiliations and come across the floor. If that is the suggestion he is making, I have to give it some thought. He and I go back a long way, and have had many political battles. I was a little younger than he was when he began his political career in Nova Scotia, but I have followed that career throughout his political time in office. If he wishes to come and join us, I would certainly give it every consideration.

ORDERS OF THE DAY

ROYAL ASSENT BILL

MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-34, respecting royal assent to bills passed by the Houses of

Parliament, and acquainting the Senate that they have passed this bill without amendment.

[Translation]

COMPETITION ACT COMPETITION TRIBUNAL ACT

BILL TO AMEND—MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that a message had been received from the Commons returning Bill C-23, to amend the Competition Act and the Competition Tribunal Act, and acquainting the Senate that they have concurred in the amendment made by the Senate for this bill without amendment.

ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

June 4, 2002

Mr. Speaker,

I have the honour to inform you that the Honourable John Major, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy Governor General, will proceed to the Senate Chamber today, the 4th day of June, 2002, at 4:15 p.m., for the purpose of giving Royal Assent to certain bills.

Yours sincerely,

Barbara Uteck
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

[English]

FOOD AND DRUGS ACT

BILL TO AMEND—THIRD READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Cook, for the third reading of Bill S-18, to amend the Food and Drugs Act (clean drinking water).—(*Honourable Senator Cordy*).

Hon. Jane Cordy: Honourable senators, we have before us Bill S-18, a bill that seeks to improve the lives of Canadians. For this reason, I would like to thank the author of this bill, Senator Grafstein, for his genuine concern and for raising the level of debate on this subject. When we ignore subjects, we allow them to develop into problems or, in this case, tragedies such as those that occurred in Walkerton, Ontario, and North Battleford, Saskatchewan.

I would like to acknowledge the work of Senator Grafstein on this bill. The Senate and the people of Canada are fortunate to have him addressing such an important issue and raising it to a level of national debate. As parliamentarians and lawmakers, we all take that long hard look in the mirror when tragic events take place, especially those that could have been avoided. We all have asked, "What could I have done to have stopped this from happening or what can I do to keep this from ever happening again?"

• (1450)

Senator Grafstein has certainly responded by drafting Bill S-18. The provinces have done the same thing, be it the Clean Water Watch in Nova Scotia; Ontario's new Drinking Water Protection Regulations; the Long-Term Safe Drinking Water Strategy in Saskatchewan; Water For Life: Alberta's Strategy for Sustainability; the Drinking Water Protection Act, passed April 11, 2001, in British Columbia; or the "Clear from Ground to the Glass" program in Prince Edward Island, just to name a few. Our provincial partners are adjusting their priorities on this very important subject.

The solution to what I believe all senators would agree is, an issue of national concern lies not in the unilateral management and regulation of drinking water by the federal government but in greater cooperation among the federal, provincial and municipal governments in Canada.

The Government of Canada must be able to depend on the provinces to deliver on their responsibilities to Canadians. If the Canadian government feels it has to step in and assume responsibility for a provincial jurisdiction simply because it does not feel the provinces are doing a good enough job, we will create an environment of distrust for any future cooperation between the levels of government.

Honourable senators, I believe that we must allow the provinces to do their job and deliver safe, clean drinking water to Canadians from coast to coast, in cooperation with their federal and municipal counterparts. Let us build upon the teamwork that the federal government currently enjoys with the provinces.

I know that Bill S-18 was conceived out of the best intentions for Canadians. I want to thank Senator Grafstein for bringing this most important issue for all Canadians to the floor of the Senate for debate. It is thanks to the work of people like him that solutions will be found.

In his remarks on Bill S-18, Senator St. Germain stated that as a general rule, he would prefer using ordinary common sense rather than unnecessary legislation, but in this situation he would

vote for the legislation. In this case, it is my feeling that the legislation is not necessary, and I would prefer to use what he refers to as "ordinary common sense."

Perhaps the impetus to facilitate an agreement between the various levels of government should come from the federal government. We all want safe, clean drinking water. I do not, however, believe that the solution is to give the responsibility solely to the federal government.

On motion of Senator Beaudoin, debate adjourned.

FOREIGN AFFAIRS

BUDGET—STUDY ON EMERGING DEVELOPMENTS IN RUSSIA AND UKRAINE—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the thirteenth report of the Standing Senate Committee on Foreign Affairs (budget—study on Russia and Ukraine), presented in the Senate on May 30, 2002.—(*Honourable Senator Stollery*).

Hon. Peter A. Stollery moved the adoption of the report.

Motion agreed to and report adopted.

BUDGET—STUDY ON ISSUES RELATED TO FOREIGN RELATIONS—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourteenth report of the Standing Senate Committee on Foreign Affairs (budget—study on Foreign relations), presented in the Senate on May 30, 2002.—(*Honourable Senator Stollery*).

Hon. Peter A. Stollery moved the adoption of the report.

Motion agreed to and report adopted.

STUDY ON MATTERS RELATING TO FISHING INDUSTRY

REPORT OF FISHERIES COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Johnson, for the adoption of the fifth report of the Standing Senate Committee on Fisheries entitled: *Selected Themes on Canada's Freshwater and Northern Fisheries*, tabled in the Senate on February 19, 2002.—(*Honourable Senator Robertson*).

Hon. Francis William Mahovlich: Honourable senators, I wish to make a few comments on the freshwater and northern fisheries report of the Standing Senate Committee on Fisheries.

Let me begin by saying that the Fisheries Committee needs to travel to where the fish are and where the fishing is actually taking place. To fulfil its mandate, it needs adequate resources.

The fisheries are important to Canadians in all regions of the country. In 2000, the commercial harvest before processing was worth a record \$2.7 billion. On the East Coast, there are over 42,000 commercial fishers; on the West Coast, there are some 8,000 fishing licences. The aquaculture sector is expanding. The value of the farmed fish and shellfish in 2000 was \$611 million. Canada is the world's sixth largest exporter of seafood products.

There are well over 4.2-million adult recreational anglers in Canada. The inland or freshwater fisheries stretch from coast to coast to coast. Fish have particular significance for Aboriginal people. In Canada's North, where most fishers are Aboriginal, fishing is not only a traditional way of sustenance; it also generates economic activity where there are few other opportunities.

Many Canadians would be surprised to learn that the people of Nunavut are very much a maritime people, dependent on the sea and its resources. Twenty-five of Nunavut's 26 communities are coastal communities. The same can be said about Nunavik, in Northern Quebec. There, the Inuit reside in 15 communities, all along the coast of Hudson's Bay, Ungava Bay and the Quebec-Labrador coast.

In June of last year, a small group of committee members travelled to Nunavik, where we visited a fish hatchery and the first fishway in the Arctic. The fishway was built to enable Arctic char to swim upriver and spawn in previously unattainable rivers. Arctic char is a major food source for Aboriginal people. Scientific studies in the region show this species to be a safe food source, unlike lake trout in the region that are high in mercury. Once subsistence needs are met, it is hoped that a commercial or sport fishery will eventually develop.

• (1500)

The project is relatively inexpensive and very much a success story, so much so that other communities in Nunavik have expressed an interest in undertaking similar enhancement activities. While producing more fish through enhancement is not a panacea for all the problems or challenges facing the North, it is a good start. In its report, the committee recommended that governments encourage and help fund local river improvement projects such as the one we visited in Nunavik. These smaller scale projects are the ones that have the most positive impacts on communities.

Another matter of concern is the future of Aboriginal youth in the Arctic. Senators Comeau, Watt and Adams have already pointed out that the Inuit population is very young when compared with the rest of the country. The unemployment rate is also very high. This deplorable fact creates serious social problems, including substance abuse and high rates of youth suicide.

The committee noted that lack of capital was a recurring theme in the North, generally. There were concerns about the high costs of entry into the fishery, making it difficult for young people to enter the industry. We were told that financial support and specific policy initiatives were needed to stimulate economic development, and that infrastructure needs to be improved, such as roads, airports and port facilities. In Nunavut, where there is only one commercial fish processing plant, there are no deep-water harbours.

On infrastructure and port facilities, the media recently reported that an Inuit-owned consortium of businesses had filed an application to build a deep-water port in Nunavut, at Bathurst Inlet, as well as 295 kilometres of road. According to a federal document that recommended funding a feasibility study, and I quote from *The Edmonton Journal*:

An Arctic coast road and port system servicing the mining industry from the North would be the single most important economic stimulus that would change the entire cost structure and viability of almost every known marketable mineral resource in the area.

The port would decrease the freight cost of general goods and create up to 1,400 direct and indirect jobs a year for 20 years.

Honourable senators, developing infrastructure in the North makes good economic and social sense in the long term. Infrastructure is critical in helping to build a brighter future for our young northern Canadians.

In closing, I wish to stress once again the importance of travel, meeting people in the regions and discovering first-hand the challenges they face. This is especially so for a committee that is mandated to look at Canada's fisheries.

I should also like to commend the chair of the committee, Senator Comeau, and the deputy chair, Senator Cook, for their dedication and guidance in the conduct of our northern and freshwater study.

On motion of Senator Robertson, debate adjourned.

STUDY ON STATE OF HEALTH CARE SYSTEM

INTERIM REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kirby, seconded by the Honourable Senator Poulin, for the adoption of the seventeenth report of the Standing Senate Committee on Social Affairs, Science and Technology entitled: *Volume Five: Principles and Recommendations for Reform — Part I*, tabled in the Senate on April 18, 2002.—(Honourable Senator LeBreton).

Hon. Brenda M. Robertson: Honourable senators, the Standing Senate Committee on Social Affairs, Science and Technology has reached a critical point in its study of the state of our health care system. We have embarked upon a quest for answers to two fundamental questions: First, how much will it cost to sustain Canada's publicly funded health care insurance system; and, second, what are the available options for raising the money?

With over two years of detailed work, the committee has laid the foundation for two major tasks. First, to develop recommendations on financing and restructuring health care; and, second, to address the equality and fairness of programs and services across the country, especially the coverage for prescription drugs and home care services.

The committee expects to present clear answers and choices on these issues in the eighteenth report of the Standing Senate Committee on Social Affairs, Science and Technology, which will be debated in the fall.

As a former provincial health minister and as one who has sat on the other side of the table in negotiations over the delivery of health care in Canada, I wish to say a few words about the federal government's role in our publicly funded health care system. As the report states:

Although the delivery of health care in Canada is primarily a provincial and territorial responsibility, the Committee believes that the federal government has a critical role to play in facilitating, encouraging and accommodating the provinces and territories in their efforts to restructure and reconfigure their health care systems. The Committee is convinced that the vast majority of Canadians are looking to the federal government for collaborative support and partnership in effecting the needed changes in the health care system.

Perhaps the federal government's most important role, certainly from the perspective of provinces with smaller economies, such as my province of New Brunswick, is that only the federal government is in a position to ensure that all provinces, regardless of the size of their economies, have at their disposal the financial resources to meet the health care needs of their residents. As well, the committee believes that the federal government has an important role in creating harmonization.

In the report, we argue that if fundamental changes are to be made to the health care system, they should not be made in only one or two provinces. For example, the report is not only about Ontario and Alberta, two provinces about which we hear so much. It is also about New Brunswick, Quebec and other provinces in Canada.

Interprovincial harmonization, with respect to which services are insured, are important elements of a truly national system. There is an important federal role in encouraging such a harmonization — for example, by using financial incentives or penalties to persuade provincial and territorial governments to accept national standards. I will have more to say about the federal government's role in the system when I discuss the third principle.

Honourable senators, the committee believes that it is also time to turn down the volume on federal-provincial rhetoric. Canadians want Ottawa to work with the provinces and territories in a spirit of collaboration and partnership, to address health care renewal. Our citizens are fed up with laying blame and are more interested in positive results and intergovernmental cooperation.

As Senator Kirby said in his remarks in launching this debate, the committee also believes that the time for debating health care reforms in this country is rapidly drawing to a close. It is those two ideas — that the time for talking about health care reform is closing and that the time for collaborative action and change has arrived — that drives our committee in its resolve to make an immediate impact in plotting a course for health care reform in the country.

Honourable senators, the subject of the seventeenth report of the committee is the state of the health care system in Canada. The report contains seven chapters and highlights 20 fundamental principles for reforming the health care system, to ensure its long-term viability.

The committee has worked hard to develop a set of principles that are pragmatic, middle of the road in ideological terms, workable, and will lead to substantial improvements in the hospital and doctor sectors of the health care system, in particular.

This afternoon I wish to speak briefly about principles 2, 3, 7 and 17. I will conclude my remarks with a comment on chapter 7, which deals with the population health strategy.

Principal 2 relates to the predictability and stability of government funding for public health care insurance. The committee heard repeatedly that there is a major lack of stability and predictability in the policies and financing of the Canadian health care system. Some witnesses testified that the daily realities of elected politics and the high turnover of ministers of health and their deputies has created an atmosphere of unpredictability in federal-provincial and territorial relationships and in health care policies, particularly with regard to those policies that are related to financing.

• (1510)

Similarly, the committee was told that health care funding is heavily dependent on annual revenues to the government and can fluctuate significantly with changes in the economy, while other witnesses identified as troublesome the lack of strategic and long-term planning to deal with the anticipated and growing health care cost pressures resulting from an aging population, rising expectations and costly technology and drugs.

The committee heard that stability and predictability in health care funding, for example in the form of multi-year funding arrangements, is a prerequisite to undertaking any systemic reform and sustaining public confidence.

The committee agrees with the witnesses that there should be stability of, and predictability in, government funding. This is based on the notion that no industry can be expected to effectively operate if, from year to year, its revenue is subject to significant fluctuations over which there is no control. Multi-year funding is essential to running the publicly funded health care system efficiently. This principle must be qualified to ensure that spending in health care does not crowd out other forms of important public spending, nor does it prescribe what sources of revenue are to be used by government in order to guarantee stability and predictability.

The committee is seeking views on two questions arising out of the stability-predictability issue. First, should earmarked taxes or health care insurance premiums be used to pay for health care in order to help ensure the predictability and the stability of funding? Second, should some form of arm's length agency be given the responsibility for managing the health care system in order to shelter the system from the daily rigours of elected politics? Our next report will provide answers to these questions.

Honourable senators, I want to speak briefly to principle three, that the federal government should play a major role in sustaining a national health care insurance system. Although I have already touched on the reasons why it is important that a major federal role be continued, particularly for those provinces with smaller economies, such as my province, two other issues arise: First, should we diversify the revenue sources used to support health care and, second, should provinces and territories have to account for their use of new or additional federal funds?

In terms of revenue sources, the committee heard that if we continue to depend essentially on the general tax base of provincial and federal governments to support health care, we may end up having to increase the rationing of publicly funded health care services. That is why the committee heard testimony which suggested broadening the revenue sources to fund our health care. This could result in improving access and/or increasing the number of publicly insured services. A national health care insurance premium would be an example of an earmarked revenue source that could be used to support health care.

The second issue of provincial-territorial accountability for their use of new or additional federal funding challenges the notion of block funding. Although block funding provides a province with flexibility to move funds around, the evidence provided to the committee showed that block transfers inhibit government accountability.

For this reason, some witnesses suggested that it would be essential to establish a way that would allow federal funding to be targeted to specific purposes. This would allow both a way to measure results and to hold those who spend the funds accountable. The committee is hearing additional testimony on these issues and will have more to say in their next report.

Turning to principle seven, respecting the consequences of changes in the level of government funding, the committee believes that the consequences arising from changes to government funding for hospital and medical care should be clearly understood by government and explained to the public in as much detail as possible at the time such changes are made and announced. This is extremely important and would apply both to increases and to decreases in government funding. In the 1990s, cuts in government funding translated into rationing of the supply of hospital and doctor services. It was not well explained or understood and, quite frankly, became a huge political football that was totally unnecessary.

In the future, for example, if, at the conclusion of a multi-year funding agreement, cuts are required, government must explain what services will be rationed. Similarly, if increases in health care spending are necessary, again government must clearly indicate how such increases will be funded and what impact these increases will have on the supply of health care services.

As the report states, only then will Canadians be able to translate statements about health care funding into what really matters most to them: What is the impact of various levels of funding of the health services that the public receives, the quality of those services and the amount of time that they have to wait to receive them?

Principle 17 refers to a patient-oriented health care system. Currently, in Canada the health care system is organized around buildings, bricks and mortar, and providers; not around individual Canadians. People are expected to fit into the system and get service when and where the system can provide it. Changes must be made to put more focus on patients. Among other things, that means developing a system in which funding follows the patient; not one where dollars flow to where the buildings are.

It is the view of the committee that patients must, at all times, be at the centre of the health care system. Services should be coordinated around their needs for safe, timely and effective care. Ideally, the goal should be an integrated, cost-effective system, characterized by closer working relationships between hospitals, long-term care facilities, primary care, home care and public health.

In practical terms, this does not mean that patients should be entitled to everything the patient wants. The qualification is that services are safe, effective, necessary and affordable. Therefore, the committee believes in the principle that Canadians are entitled to health care that is safe, efficient, patient-oriented, timely, efficient, equitable and affordable.

I want to conclude with a comment on chapter 7, Towards a Population Health Strategy. The report states that population health strategies encompass a broad range of activities ranging from health and wellness promotion to illness and injury prevention through broader policies and programs that influence income distribution, access to education, housing, water quality, workplace safety, and so on. The committee believes that because of their importance, serious consideration should be given by the federal government to devoting more attention, effort and resources to the development and the implementation of population health strategies.

The Federal Government, which has been recognized as a leader in developing the concept of population health, should show leadership in implementing the population health strategy for all Canadians. To do this, the federal government must begin by breaking down its own ministerial silos that compartmentalize responsibility for health and by coordinating the activities of the different departments whose policies and programs impact on health, starting with the Department of Health and the Department of Finance.

The committee believes that there are enormous benefits to be derived from population health in terms of improving health outcomes for Canadians, but also in terms of the financial impact on the publicly funded health care system.

Before closing my remarks, I should like to recognize Senator Kirby's huge contribution to the overall progress achieved by the committee. Our mandate is a big one. We are where we are because of the leadership of Senator Kirby and Senator LeBreton, and because of the dedication of other regular members of the committee.

Changes must be made, honourable senators, to put more focus on the patients. I do not think we can emphasize that sufficiently. It should be up front. Patients across the country complain and worry about the lack of access to the system. That must change.

Perhaps the real, unsung heroes of our committee, the individuals who have brought us to this point because of their talent, and what must be the unbelievable hours they have put in, are our researchers, Odette Madore, Howard Chodos, and our clerk Cathy Piccinin.

Honourable senators, you could characterize our report as a work in progress. It is driven by the urgent need to move beyond protecting the status quo and preserving the system that was put in place some 50 years ago.

• (1520)

The committee believes that a steady pace of reform is the way to make the restructuring and the renewal of Canada's health care system possible.

I am looking forward to debating the next phase of our report when it is tabled in this chamber in the fall.

On motion of Senator Roche, debate adjourned.

[Translation]

CRIMINAL CODE FIREARMS ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons, with Bill C-15B, to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act, to which they desire the concurrence of the Senate.

Bill read the first time.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the second time?

On motion of Senator Fraser, bill placed on the Orders of the Day for second reading two days hence.

[English]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

THIRTEENTH REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the thirteenth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (time allotted to tributes in the Senate), presented in the Senate on May 2, 2002.—(*Honourable Senator Austin, P.C.*).

Hon. Jack Austin moved the adoption of the report.

He said: Honourable senators, for more than two decades I have witnessed the making of tributes to senators on their retirement, when they have deceased and when they have received other honours. Over that period of time, the practice has varied dramatically from an attempt to have very few but eloquent tributes to the practice of having very long but eloquent tributes.

Recently, senators have been concerned not with honouring their colleagues, which they wish to do, but with the amount of time that tributes have taken up in the order of precedence prior to that of government business. It has been our principle that government business should be given a high priority in the attention of this chamber. However, unlimited tributes that can be given by 10, 12 or 14 senators mean that not only is all of the government's business not done but also that all of the business following government business, including motions and inquiries, may be lost for that particular day.

The Standing Senate Committee on Rules, Procedures and the Rights of Parliament was pleased to receive an Order of Reference dated December 4, 2001, which was initiated by Senator Lapointe, to call attention to this issue of tributes. The committee had a discussion on this subject and the thirteenth report, which is before you now, honourable senators, is our recommendation.

We have concluded, and recommend to the house, that the period for tributes at the beginning of the business of the chamber be limited strictly to 15 minutes; and that the leadership on each side decide on the allocation of that 15 minutes. This would provide the most formal part of our agenda in dealing with tributes to former colleagues.

I want to make it clear that this period does not prevent the Senate from continuing in another part of its agenda with tributes. For example, we saw Senator Atkins introduce an inquiry in order to provide a tribute to a particular person. Senators' Statements, Motions, Notices of Inquiries and other avenues are available to honourable senators in their order, and following government business, to continue the question of tributes. Of course, the three-minute limitation which is proposed would not apply to that portion of the tribute agenda.

Our recommendation to honourable senators is that we adopt this procedure, recommended by the Standing Senate Committee on Rules, Procedures and the Rights of Parliament; that we adopt a rule that provides that there be a special category called "Senators' Tributes"; that it be limited to 15 minutes, any one contribution being limited to three minutes; that the order of speaking be established by the leadership; that there be only one such tribute on any day but that any senator is free to move an inquiry, a motion or another proceeding that allows that further tributes be continued near the end of the Order Paper.

Honourable senators, I recommend this report. I thank Senator Lapointe for bringing this matter to the attention of the committee.

On motion of Senator Stratton, debate adjourned.

OFFICIAL LANGUAGES

TENTH REPORT OF JOINT COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the tenth report of the Standing Joint Committee on Official Languages (funding for the Office of the Commissioner of Official Languages), tabled in the Senate on April 25, 2002.—(*Honourable Senator Maheu*).

Hon. Shirley Maheu moved the adoption of the report.

On motion of Senator Comeau, debate adjourned.

ELEVENTH REPORT OF JOINT COMMITTEE—
DEBATE ADJOURNED

The Senate proceeded to consideration of the eleventh report of the Standing Joint Committee on Official Languages (awareness campaign concerning the Official Languages Act), tabled in the Senate on April 25, 2002.—(*Honourable Senator Maheu*).

Hon. Shirley Maheu moved the adoption of the report.

She said: Honourable senators, the eleventh report of the joint committee simply covers the fact that the committee wants the Commissioner of Official Languages to make the Official Languages Act more readily available to the public.

On motion of Senator Comeau, debate adjourned.

[Translation]

NATIONAL CAPITAL COMMISSION

PROPOSAL TO SELL MOFFATT FARM—
INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the notice of Honourable Senator Cools, calling the attention of the Senate:

(a) to the public's need for the Senate and the Parliament of Canada to take into their cognizance the current conflict between Ottawa residents with their Ottawa City Council and the National Capital Commission regarding the National Capital Commission's proposal to re-zone a riverfront parkland to build a 244 dwelling housing development on that riverfront parkland, a matter well reported in the media;

(b) to the national capital parkland known as the Moffatt Farm, a riverfront parkland on the heritage waterway, the Rideau River, at Mooney's Bay, near the entrance to the Hog's Back Locks, all of which form a part of the ancient and historic Rideau Canal and the Rideau Canal Waterway System, a parkland which for decades has been held by the National Capital Commission as a commissioned public trust for its protection for the public good and for the public use;

(c) to the meaning in law of a commission, being that a commission is a public body with a public purpose, authorized by letters patent, an act of parliament, or other lawful warrant to execute and perform a public office, and further, that the National Capital Commission is no ordinary entity, or no simple arms length crown corporation but is a commission a peculiar constitutional entity, intended to perform a public duty;

(d) to the current land use designation zoning of Moffatt Farm which is zoned as parkland, as are other Ottawa national capital parks such as Vincent Massey Park and Hog's Back Park, parklands whose maintenance and sustenance are of great importance and concern to Ottawans;

(e) to the National Capital Commission contracted agreements with private developers, including that one with DCR Phoenix, regarding the sale for development of the parkland, Moffatt Farm, to the same DCR Phoenix, a private developer currently acting as the National Capital Commission agent before Ottawa City Council and the Ontario Municipal Board in proceedings about the National Capital Commission proposed re-zoning of Moffatt Farm from parkland zoning to residential zoning so as to permit the National Capital Commission's sale of this parkland to private developers;

(f) to Ottawa City Council's unanimous decision on March 27, 2002 rejecting and soundly defeating the National Capital Commission/DCR Phoenix's proposal for re-zoning and development of the Moffatt Farm parkland, to the city government's strong objection to the proposed development, being the building of 244 expensive, luxurious high end houses on the Moffatt Farm parkland, a parkland also known for its environmentally sensitive lands;

(g) the responsible ministry's and the National Capital Commission's own protocol that holds that the National Capital Commission should defer to municipal government on planning issues and land use;

(h) to another motion overwhelmingly adopted by Ottawa City Council on April 10, 2002 expressing the City's wish to purchase the Moffatt Farm parkland, also asking the National Capital Commission to honour City Council's decision and also to withdraw its own appeal to the Ontario Municipal Board asking the Ontario Municipal Board to overturn City Council and force the re-zoning of Moffatt Farm from parkland zoning to residential zoning;

(i) to that same City Council motion of April 10, 2002, which said:

"WHEREAS the Moffatt Farm has been in public ownership for the past 50 years, since its expropriation, and has until 1999, been designated a Capital Park by the National Capital Commission;

AND WHEREAS the NCC has determined that this property is surplus to national needs and intends to sell it;

AND WHEREAS the Moffatt Farm is outside the General Urban Area, and designated as Waterfront Open Space in the Regional Official Plan, which is land in, or intended to be in, public ownership and intended for public recreation and environmental conservation uses;

AND WHEREAS the Moffatt Farm has no "right of development" at this time, being designated Major Open Space, Waterway Corridor and Environmentally Sensitive Area, zoning that offers the highest possible protection;

AND WHEREAS, in the Ottawa Official Plan, the Moffatt Farm is designated as a District/Community Park, a use identified in the 1973 Carleton Heights Secondary Plan as a means to address inadequate parkland for this area of the City;

AND WHEREAS, since 1973, the population of this community has doubled and available parkland has already decreased;

AND WHEREAS the City of Ottawa has a policy to acquire, where possible, waterfront properties that form the Greenway System and preserve these lands for public open space use;

THEREFORE BE IT RESOLVED that the City of Ottawa offer to purchase the entire Moffatt Farm property from the NCC, at a price which will be based on its current and future use as a District Park; and

BE IT FURTHER RESOLVED that the City request the local Members of Parliament (National Capital Caucus) to urge the NCC to respect Council's unanimous decision and withdraw its appeal to the OMB."

- (j) to the growing public disenchantment and disappointment of Ottawans who perceive the National Capital Commission's corporate culture as running roughshod over Ottawans with wanton disregard for local communities of which the Moffatt Farm community is only one of several which include Lac Leamy, Sparks Street redevelopment and others, all of which have resulted in diminishing public respect for the National Capital Commission and its land use proposals in the national capital area;
- (k) to the burgeoning public unease about the destiny of Ottawa's precious public lands as many Ottawans are anxious that the National Capital Commission is conducting its affairs in land use matters, more as a private development company and less as a public commission entrusted with Her Majesty's and the public's interest in the proper land use of unique, historical, heritage parklands and properties; and
- (l) to the public need for Parliament's study and review of the National Capital Commission in its entirety, including its role, structure, organization, operations, authorizing statute, its parliamentary appropriations, finances, and its relations with Canadian citizens, especially Canadian citizens living in the Ottawa area, its land dealings, its land developments, and its agreements with private developers selected by the National Capital Commission as recipients, buyers, of treasured historic lands.—(*Honourable Senator Kinsella*).

Hon. Laurier L. LaPierre: Honourable senators, I thank Senator Kinsella for allowing me to speak to this inquiry. It is with pleasure that I take part in the debate introduced by Senator Cools on April 18, 2002, concerning the sale of a portion of the Moffatt Farm to DCR Phoenix for development purposes, a decision which has received wide coverage in the media.

I must admit that I hold the National Capital Commission in high esteem. In 1899, Sir Wilfrid Laurier, the Prime Minister of Canada, created the Ottawa Improvement Commission, but refused to take part of Ontario and part of Quebec to establish a distinct territory for the national capital, like the one in Washington.

I sat on one of the commission's standing committees and I admired how it undertook its work with a sense of national perspective. As a resident of this marvellous capital and National Capital Region, I experience every day the results of the commission's work to beautify the city. Without the commission, we would still be living in the time of Bytown, the small village chosen by Queen Victoria as the capital in late December of 1857.

A look at the history of this capital shows that there is no doubt that if the elected municipal officials had been responsible for building this capital, which is envied by many around the world, we would not have been served as well as we have. The philosophy of elected municipal officials has always been that "Ottawa is a city like any other." However, Ottawa is not like other cities. Ottawa is a municipality in Ontario, but it is first and foremost the Capital of Canada. Because of this, it belongs to all Canadians.

[English]

The National Capital Commission is the agent of the Canadian people for the guardianship of their lands in the National Capital Region. There is no way around that. One of the prices the Canadian people have to pay for the NCC to be the guardian of the lands of the people in this region is to put up with the criticism and recrimination of municipal politicians and other concerned parties, who often are not particularly interested in having to share power with the people of Canada.

The municipal politicians have opposed a considerable number of projects inspired by the NCC at Canadians' expense, projects that have delivered clear benefits, not only to all Canadians but also to residents of the city, such as the spectacular natural areas — Gatineau and Mer Bleu, to name but two — that lie just a few minutes from Parliament Hill. More than 170 kilometres of recreational parkways crisscross the capital. There is a greenbelt. In winter, thousands of residents and visitors skate on the world's longest rink: 7.8 kilometres of the Rideau Canal. The NCC maintains more than 300 hectares of urban parks, including Hog's Back Falls, located a few hundred metres from Moffatt Farm. All of these areas, paid for by the Canadian people and administered by the National Capital Commission of our country, are of terrific benefit to the Canadian people and to us.

Let us turn our attention to the Moffatt Farm. I visited that site the other day, and I know a little about how it looks. Moffatt Farm is a site of some 34.8 hectares. It was farmed until the 1940s when the Veterans' Land Administration purchased it to house veterans of the Second World War. In 1960, the site was declared surplus by the Veterans' Land Administration and was sold to the NCC as a site for possible future government offices or national needs.

In 1999, as a result of public consultations that took place for the plan for Canada's capital, Moffatt Farm was declared surplus to the NCC's needs because it does not play a capital role. An agreement for the exchange of lands between the NCC and DCR Phoenix Holdings Inc. was signed on October 17, 2000.

Consequently, honourable senators, Moffatt Farm does not carry and has never carried a municipal zoning that precludes development. Furthermore, there is no evidence that municipal zoning has ever forbidden development on that site.

Honourable senators, I took a leisurely walking tour of the property. It is a parcel of land on the Rideau River a few kilometres south of downtown. It is relatively flat for much of its 35 hectares, with steep slopes down to the water. The western edge of the land abuts Prince of Wales Drive, a major arterial road that was once the principal link to Highway 16. Low-density development borders the site on three sides. A few hundred metres away, there is a sizable shopping centre, high-rise apartment buildings, and Hog's Back Falls, a large park owned and maintained by the NCC.

Essentially, Moffatt Farm serves as a dog run. It is massively fouled by dog feces, as residents of the area use it as a "dépotoire pour les chiens."

The history of this area is rich. The longest continuous stretch of the Rideau Canal begins at Hog's Back Falls. The area was first used by Aborigines, then by workers who dug the canal and built the locks, and then by farmers. Today, thousands of families call the area home. The surrounding neighbourhood is known as Carleton Heights. All around it, the city of Ottawa has grown substantially. Once in the south end of a small city, Carleton Heights is now centrally located in Canada's fourth largest urban area.

Honourable senators, let us look at the consultation process and the terms of development. The portion of the land not identified as environmentally sensitive under the City of Ottawa's Natural Open Space Study shall be developed in two parts. Part one is approximately 7.3 hectares, or 18 acres, and this has been sold to DCR Phoenix. The other part, which is approximately 12.95 hectares, or 32 acres, will remain with the NCC until a developer is selected.

The proposed limits of that development preserves 14.5 hectares, or 36 acres, of the site's total 34.8 hectares, or 86 acres. This land will remain in public ownership. This means that over 40 per cent of the Prince of Wales site will remain open space and will be accessible to residents of the proposed development, as well as to residents beyond the proposed development limits and all the citizens of Canada.

All of the above, honourable senators, means that 40 per cent of the area will become a natural place where people and visitors can go, in the beauty of a parkland, without having to wander through dog feces. They will have easy access to the river, as well they should, since they own it. There will be shoreline protection. This is most important.

Honourable senators, there is more to spark your imagination. By selling the developmental part of Moffatt Farm, besides contributing much needed new life to an aging community, the NCC will have the money to purchase the Montfort Woods, which are of national interest because of their proximity to the Aviation Parkway. The mature maple forest should always be preserved as a natural area for the benefit and enjoyment of future generations. With the money generated by this sale, the NCC, which does not own the woodlands, can purchase the woodlands so that they will not be sold for development. Therefore, we gain yet once again.

• (1540)

In conclusion, the public need not fear that the Experimental Farm and the Arboretum will be sold by the National Capital Commission. They will not be sold by the NCC because they do not belong to the NCC. They belong, essentially, to Agriculture Canada.

The NCC pursues its mandate with an eye on the bottom line, assiduously striving to wrest maximum value for its resources. The NCC obeys the Treasury Board's Real Asset Management Funding Strategy, put in place in 1991, which dictates to the NCC the policy of using their revenues from surplus land sales to cover the NCC's capital funding needs in order to reduce support from Canada's taxpayers — a most sensible, conservative, Liberal policy. It is the responsibility of the Government of Canada to change this directive if it so desires. In the meantime, it is the responsibility and the duty of the NCC to abide by that directive. It would be ridiculous to suggest that the NCC not do so.

Consequently, honourable senators, it is imperative for us to realize that the NCC is of benefit to us and to Canada, and that without it the well-being of our region, of our capital city and of the Canadian people would be seriously endangered.

Honourable senators, long live the National Capital Commission.

Hon. Anne C. Cools: Would the honourable senator take a question?

Senator LaPierre: The answer is no.

On motion of Senator Kinsella, debate adjourned.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, is it your pleasure that the Senate now adjourn to await the arrival of the Honourable Jack Major, Puisne Judge of the Supreme Court of Canada, in his capacity as the Deputy Governor General?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned during pleasure.

• (1620)

[Translation]

ROYAL ASSENT

The Honourable John C. Major, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy Governor General, having come and being seated at the foot of the Throne, and the House of Commons having been summoned, and being come with their Acting Speaker, the Honourable the Deputy Governor General was pleased to give the Royal Assent to the following bills:

An Act to amend the criminal Code and to amend other Acts (*Bill C-15A, Chapter 13, 2002*)

An Act to amend the Payment Clearing and Settlement Act (*Bill S-40, Chapter 1, 2002*)

An Act respecting royal assent to bills passed by the Houses of Parliament (*Bill S-34, Chapter 15, 2002*)

An Act to amend the Competition Act and the Competition Tribunal Act (*Bill C-23, Chapter 16, 2002*)

The House of Commons withdrew.

The Honourable the Deputy Governor General was pleased to retire.

The sitting of the Senate was resumed.

The Senate adjourned until tomorrow at 1:30 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

THE HONOURABLE DANIEL P. HAYS

THE LEADER OF THE GOVERNMENT

THE HONOURABLE SHARON CARSTAIRS, P.C.

THE LEADER OF THE OPPOSITION

THE HONOURABLE JOHN LYNCH-STANTON

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

PAUL BÉLISLE

DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES

GARY O'BRIEN

LAW CLERK AND PARLIAMENTARY COUNSEL

MARK AUDCENT

USHER OF THE BLACK ROD (ACTING)

BLAIR ARMITAGE

THE MINISTRY

According to Precedence

(June 4, 2002)

The Right Hon. Jean Chrétien	Prime Minister
The Hon. David M. Collenette	Minister of Transport
The Hon. David Anderson	Minister of the Environment
The Hon. Ralph E. Goodale	Minister of Public Works and Government Services. Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians
The Hon. Sheila Copps	Minister of Canadian Heritage
The Hon. John Manley	Deputy Prime Minister, Minister of Finance and Minister of Infrastructure
The Hon. Anne McLellan	Minister of Health
The Hon. Allan Rock	Minister of Industry
The Hon. Lawrence MacAulay	Solicitor General of Canada
The Hon. Lucienne Robillard	President of the Treasury Board
The Hon. Martin Cauchon	Minister of Justice and Attorney General of Canada
The Hon. Jane Stewart	Minister of Human Resources Development
The Hon. Stéphane Dion	President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs
The Hon. Pierre Pettigrew	Minister of International Trade
The Hon. Don Boudria	Leader of the Government in the House of Commons
The Hon. Lyle Vanclief	Minister of Agriculture and Agri-Food
The Hon. Herb Dhaliwal	Minister of Natural Resources
The Hon. Claudette Bradshaw	Minister of Labour
The Hon. Robert Daniel Nault	Minister of Indian Affairs and Northern Development
The Hon. Elinor Caplan	Minister for National Revenue
The Hon. Denis Coderre	Minister of Citizenship and Immigration
The Hon. Sharon Carstairs	Leader of the Government in the Senate
The Hon. Robert G. Thibault	Minister of Fisheries and Oceans
The Hon. Rey Pagtakhan	Minister of Veterans Affairs and Secretary of State (Science, Research and Development)
The Hon. Susan Whelan	Minister for International Cooperation
The Hon. William Graham	Minister of Foreign Affairs
The Hon. Gerry Byrne	Minister of State (Atlantic Canada Opportunities Agency)
The Hon. John McCallum	Minister of National Defence
The Hon. Ethel Blondin-Andrew	Secretary of State (Children and Youth)
The Hon. David Kilgour	Secretary of State (Asia-Pacific)
The Hon. Andrew Mitchell	Secretary of State (Rural Development) (Federal Economic Development Initiative for Northern Ontario)
The Hon. Maurizio Bevilacqua	Secretary of State (International Financial Institutions)
The Hon. Paul DeVillers	Secretary of State (Amateur Sport) and Deputy Leader of the Government in the House of Commons
The Hon. Gar Knutson	Secretary of State (Central and Eastern Europe and Middle East)
The Hon. Denis Paradis	Secretary of State (Latin America and Africa) (Francophonie)
The Hon. Claude Drouin	Secretary of State (Economic Development Agency of Canada for the Regions of Quebec)
The Hon. Stephen Owen	Secretary of State (Western Economic Diversification) (Indian Affairs and Northern Development)
The Hon. Jean Augustine	Secretary of State (Multiculturalism)(Status of Women)

SENATORS OF CANADA

ACCORDING TO SENIORITY

(June 4, 2002)

Senator	Designation	Post Office Address
THE HONOURABLE		
Herbert O. Sparrow	Saskatchewan	North Battleford, Sask.
Edward M. Lawson	Vancouver	Vancouver, B.C.
Bernard Alasdair Graham, P.C.	The Highlands	Sydney, N.S.
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
C. William Doody	Harbour Main-Bell Island	St. John's, Nfld.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
E. Leo Kolber	Victoria	Westmount, Que.
Michael Kirby	South Shore	Halifax, N.S.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto-Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Daniel Phillip Hays, <i>Speaker</i>	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Brenda Mary Robertson	Riverview	Shediac, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland	Port-au-Port, Nfld.
Eileen Rossiter	Prince Edward Island	Charlottetown, P.E.I.
Mira Spivak	Manitoba	Winnipeg, Man.
Roch Bolduc	Gulf	Sainte-Foy, Que.
Gérald-A. Beaudoin	Rigaud	Hull, Que.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Church Point, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton, N.B.
John Buchanan, P.C.	Nova Scotia	Halifax, N.S.
John Lynch-Staunton	Grandville	Georgeville, Que.
James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie, Ont.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth, N.S.
Janis G. Johnson	Winnipeg-Interlake	Winnipeg, Man.
A. Raynell Andreychuk	Regina	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.

ACCORDING TO SENIORITY

Senator	Designation	Post Office Address
THE HONOURABLE		
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs, P.C.	Manitoba	Victoria Beach, Man.
Landon Pearson	Ontario	Ottawa, Ont.
Jean-Robert Gauthier	Ottawa-Vanier	Ottawa, Ontario
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	Labrador	North West River, Labrador, Nfld.
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Shirley Maheu	Rougemont	Saint-Laurent, Que.
Nicholas William Taylor	Sturgeon	Chestermere, Alta.
Wilfred P. Moore	Stanhope St./Bluenose	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Marisa Ferretti Barth	Repentigny	Pierrefonds, Que.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Thelma J. Chalifoux	Alberta	Morinville, Alta.
Joan Cook	Newfoundland	St. John's, Nfld.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Francis William Mahovlich	Toronto	Toronto, Ont.
Richard H. Kroft	Manitoba	Winnipeg, Man.
Douglas James Roche	Edmonton	Edmonton, Alta.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
One Christensen	Yukon Territory	Whitehorse, Y.T.
George Furey	Newfoundland and Labrador	St. John's, Nfld.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Isobel Finnerty	Ontario	Burlington, Ont.
John Wiebe	Saskatchewan	Swift Current, Sask.
Tommy Banks	Alberta	Edmonton, Alta.
Eane Cordy	Nova Scotia	Dartmouth, N.S.
Raymond C. Setlakwe	The Laurentides	Thetford Mines, Que.
Yves Morin	Lauson	Quebec, Que.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Jim Tunney	Ontario	Grafton, Ont.
Laurier L. LaPierre	Ontario	Ottawa, Ont.
Viola Léger	New Brunswick	Moncton, N.B.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Sean Lapointe	Saurel	Magog, Que.
Gerard A. Phalen	Nova Scotia	Glace Bay, N.S.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
Michel Biron	Mille Isles	Nicolet, Que.
Ronald J. Duhamel, P.C.	Manitoba	St. Boniface, Man.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld.
Raymond Lavigne	Montarville	Verdun, Que.

SENATORS OF CANADA

ALPHABETICAL LIST

(June 4, 2002)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Lib
Andreychuk, A. Raynell	Regina	Regina, Sask.	PC
Angus, W. David	Alma	Montreal, Que.	PC
Atkins, Norman K.	Markham	Toronto, Ont.	PC
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Lib
Bacon, Lise	De la Durantaye	Laval, Que.	Lib
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld.	Lib
Banks, Tommy	Alberta	Edmonton, Alta.	Lib
Beaudoin, Gérald-A.	Rigaud	Hull, Que.	PC
Biron, Michel	Mille Isles	Nicolet, Que.	Lib
Bolduc, Roch	Gulf	Sainte-Foy, Que.	PC
Bryden, John G.	New Brunswick	Bayfield, N.B.	Lib
Buchanan, John, P.C.	Halifax	Halifax, N.S.	PC
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Lib
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	PC
Carstairs, Sharon, P.C.	Manitoba	Victoria Beach, Man.	Lib
Chalifoux, Thelma J.	Alberta	Morinville, Alta.	Lib
Christensen, Ione	Yukon Territory	Whitehorse, Y.T.	Lib
Cochrane, Ethel	Newfoundland	Port-au-Port, Nfld.	PC
Comeau, Gerald J.	Nova Scotia	Church Point, N.S.	PC
Cook, Joan	Newfoundland	St. John's, Nfld.	Lib
Cools, Anne C.	Toronto-Centre-York	Toronto, Ont.	Lib
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Lib
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Lib
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Lib
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Lib
Di Nino, Consiglio	Ontario	Downsview, Ont.	PC
Doddy, C. William	Harbour Main-Bell Island	St. John's, Nfld.	PC
Duhamel, Ronald J., P.C.	Manitoba	St. Boniface, Man.	Lib
Eyton, J. Trevor	Ontario	Caledon, Ont.	PC
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Lib
Ferretti Barth, Marisa	Repentigny	Pierrefonds, Que.	Lib
Finnerty, Isobel	Ontario	Burlington, Ont.	Lib
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Lib
Forrestall, J. Michael	Dartmouth and the Eastern Shore	Dartmouth, N.S.	PC
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Lib
Furey, George	Newfoundland and Labrador	St. John's, Nfld.	Lib
Gauthier, Jean-Robert	Ottawa-Vanier	Ottawa, Ont.	Lib
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Lib
Grafstein, Jeremiah S.	Metro Toronto	Toronto, Ont.	Lib
Graham, Bernard Alasdair, P.C.	The Highlands	Sydney, N.S.	Lib
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	PC
Hays, Daniel Phillip, <i>Speaker</i>	Calgary	Calgary, Alta.	Lib
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Lib
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Lib
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Lib
Johnson, Janis G.	Winnipeg-Interlake	Winnipeg, Man.	PC
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Lib
Kelleher, James Francis, P.C.	Ontario	Sault Ste. Marie, Ont.	PC
Kenny, Colin	Rideau	Ottawa, Ont.	Lib
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	PC
Kinsella, Noël A.	Fredericton-York-Sunbury	Fredericton, N.B.	PC

SENATORS OF CANADA

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Kirby, Michael	South Shore	Halifax, N.S.	Lib
Kolber, E. Leo	Victoria	Westmount, Que.	Lib
Kroft, Richard H.	Manitoba	Winnipeg, Man.	Lib
LaPierre, Laurier L.	Ontario	Ottawa, Ont.	Lib
Lapointe, Jean	Saurel	Magog, Que.	Lib
Lavigne, Raymond	Montarville	Verdun, Que.	Lib
Lawson, Edward M.	Vancouver	Vancouver, B.C.	Ind
LeBreton, Marjory	Ontario	Manotick, Ont.	PC
Léger, Viola	New Brunswick	Moncton, N.B.	Lib
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Lib
Lynch-Staunton, John	Grandville	Georgetown, Que.	PC
Maheu, Shirley	Rougemont	Saint-Laurent, Que.	Lib
Mahovlich, Francis William	Toronto	Toronto, Ont.	Lib
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	PC
Milne, Lorna	Peel County	Brampton, Ont.	Lib
Moore, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.	Lib
Morin, Yves	Lauzon	Quebec, Que.	Lib
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	PC
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	PC
Oliver, Donald H.	Nova Scotia	Halifax, N.S.	PC
Pearson, Landon	Ontario	Ottawa, Ontario	Lib
Pépin, Lucie	Shawinigan	Montreal, Que.	Lib
Phalen, Gerard A.	Nova Scotia	Glace Bay, N.S.	Lib
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Ind
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Lib
Poy, Vivienne	Toronto	Toronto, Ont.	Lib
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Ind
Rivest, Jean-Claude	Stadacona	Quebec, Que.	PC
Robertson, Brenda Mary	Riverview	Shediac, N.B.	PC
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Lib
Roche, Douglas James	Edmonton	Edmonton, Alta.	Ind
Rompkey, William H., P.C.	Labrador	North West River, Labrador, Nfld.	Lib
Rossiter, Eileen	Prince Edward Island	Charlottetown, P.E.I.	PC
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	CA
Setlakwe, Raymond C.	The Laurentides	Thetford Mines, Que.	Lib
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Lib
Sparrow, Herbert O.	Saskatchewan	North Battleford, Sask.	Lib
Spivak, Mira	Manitoba	Winnipeg, Man.	PC
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Lib
Stratton, Terrance R.	Red River	St. Norbert, Man.	PC
Taylor, Nicholas William	Sturgeon	Chestermere, Alta.	Lib
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	PC
Tunney, Jim	Ontario	Gratton, Ont.	Lib
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Lib
Wiebe, John	Saskatchewan	Swift Current, Sask.	Lib

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(June 4, 2002)

ONTARIO—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Peter Alan Stollery	Bloor and Yonge	Toronto
3 Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4 Jeremiah S. Grafstein	Metro Toronto	Toronto
5 Anne C. Cools	Toronto-Centre-York	Toronto
6 Colin Kenny	Rideau	Ottawa
7 Norman K. Atkins	Markham	Toronto
8 Consiglio Di Nino	Ontario	Downsview
9 James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie
10 John Trevor Eyton	Ontario	Caledon
11 Wilbert Joseph Keon	Ottawa	Ottawa
12 Michael Arthur Meighen	St. Marys	Toronto
13 Marjory LeBreton	Ontario	Manotick
14 Landon Pearson	Ontario	Ottawa
15 Jean-Robert Gauthier	Ottawa-Vanier	Ottawa
16 Lorna Milne	Peel County	Brampton
17 Marie-P. Poulin	Northern Ontario	Ottawa
18 Francis William Mahovlich	Toronto	Toronto
19 Vivienne Poy	Toronto	Toronto
20 Isobel Finnerty	Ontario	Burlington
21 Jim Tunney	Ontario	Grafton
22 Laurier L. LaPierre	Ontario	Ottawa
23		
24		

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 E. Leo Kolber	Victoria	Westmount
2 Charlie Watt	Inkerman	Kuuujuaq
3 Pierre De Bané, P.C.	De la Vallière	Montreal
4 Roch Bolduc	Gulf	Sainte-Foy
5 Gérard-A. Beaudoin	Rigaud	Hull
6 John Lynch-Staunton	Grandville	Georgeville
7 Jean-Claude Rivest	Stadacona	Quebec
8 Marcel Prud'homme, P.C.	La Salle	Montreal
9 W. David Angus	Alma	Montreal
10 Pierre Claude Nolin	De Salaberry	Quebec
11 Lise Bacon	De la Durantaye	Laval
12 Céline Hervieux-Payette, P.C.	Bedford	Montreal
13 Shirley Maheu	Rougemont	Ville de Saint-Laurent
14 Lucie Pépin	Shawinigan	Montreal
15 Marisa Ferretti Barth	Repentigny	Pierrefonds
16 Serge Joyal, P.C.	Kennebec	Montreal
17 Joan Thorne Fraser	De Lorimier	Montreal
18 Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
19 Raymond C. Setlakwe	The Laurentides	Thetford Mines
20 Yves Morin	Lauzon	Quebec
21 Jean Lapointe	Saurel	Magog
22 Michel Biron	Mille Isles	Nicolet
23 Raymond Lavigne	Montarville	Verdun
24		

SENATORS BY PROVINCE—MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Bernard Alasdair Graham, P.C.	The Highlands	Sydney
2 Michael Kirby	South Shore	Halifax
3 Gerald J. Comeau	Nova Scotia	Church Point
4 Donald H. Oliver	Nova Scotia	Halifax
5 John Buchanan, P.C.	Halifax	Halifax
6 J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth
7 Wilfred P. Moore	Stanhope St./Bluenose	Chester
8 Jane Cordy	Nova Scotia	Dartmouth
9 Gerard A. Phalen	Nova Scotia	Glace Bay
10		

NEW BRUNSWICK—10

THE HONOURABLE		
1 Eymard Georges Corbin	Grand-Sault	Grand-Sault
2 Brenda Mary Robertson	Riverview	Shediac
3 Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton
4 John G. Bryden	New Brunswick	Bayfield
5 Rose-Marie Losier-Cool	Tracadie	Bathurst
6 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
7 Viola Léger	New Brunswick	Moncton
8 Joseph A. Day	Saint John-Kennebecasis	Hampton
9		
10		

PRINCE EDWARD ISLAND—4

THE HONOURABLE		
1 Eileen Rossiter	Prince Edward Island	Charlottetown
2 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
3 Elizabeth M. Hubley	Prince Edward Island	Kensington
4		

SENATORS BY PROVINCE—WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Mira Spivak	Manitoba	Winnipeg
2 Janis G. Johnson	Winnipeg-Interlake	Winnipeg
3 Terrance R. Stratton	Red River	St. Norbert
4 Sharon Carstairs, P.C.	Manitoba	Victoria Beach
5 Richard H. Kroft	Manitoba	Winnipeg
6 Ronald J. Duhamel, P.C.	Manitoba	St. Boniface

BRITISH COLUMBIA—6

THE HONOURABLE		
1 Edward M. Lawson	Vancouver	Vancouver
2 Jack Austin, P.C.	Vancouver South	Vancouver
3 Pat Carney, P.C.	British Columbia	Vancouver
4 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler ..	Maple Ridge
5 Ross Fitzpatrick	Okanagan-Similkameen	Kelowna
6 Mobina S.B. Jaffer.	British Columbia	North Vancouver

SASKATCHEWAN—6

THE HONOURABLE		
1 Herbert O. Sparrow	Saskatchewan	North Battleford
2 A. Raynell Andreychuk	Regina	Regina
3 Leonard J. Gustafson	Saskatchewan	Macoun
4 David Tkachuk	Saskatchewan	Saskatoon
5 John Wiebe	Saskatchewan	Swift Current
6

ALBERTA—6

THE HONOURABLE		
1 Daniel Phillip Hays, <i>Speaker</i>	Calgary	Calgary
2 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
3 Nicholas William Taylor.	Sturgeon	Chestermere
4 Thelma J. Chalifoux	Alberta	Morinville
5 Douglas James Roche	Edmonton	Edmonton
6 Tommy Banks	Alberta	Edmonton

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 C. William Doody	Harbour Main-Bell Island	St. John's
2 Ethel Cochrane	Newfoundland	Port-au-Port
3 William H. Rompkey, P.C.	Labrador	North West River, Labrador
4 Joan Cook	Newfoundland	St. John's
5 George Furey	Newfoundland and Labrador ..	St. John's
6 George S. Baker, P.C.	Newfoundland and Labrador ..	Gander

NORTHWEST TERRITORIES—1

THE HONOURABLE		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

THE HONOURABLE		
1 Willie Adams	Nunavut	Rankin Inlet

YUKON TERRITORY—1

THE HONOURABLE		
1 Ione Christensen	Yukon Territory	Whitehorse

ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of June 4, 2002)

*Ex Officio Member

ABORIGINAL PEOPLES

Chair: Honourable Senator Chalifoux
Honourable Senators:

Deputy Chair: Honourable Senator Johnson

Carney,	Christensen,	Johnson,	Pearson.
*Carstairs (or Robichaud),	Cochrane,	Léger,	Sibbeston,
Chalifoux,	Gill,	*Lynch-Staunton (or Kinsella),	St. Germain.
	Hubley,		Tkachuk.

Original Members as nominated by the Committee of Selection

*Carney, *Carstairs (or Robichaud), Chalifoux, Christensen, Cochrane, Cordy, Gill, Johnson, *Lynch-Staunton (or Kinsella), Pearson, Rompkey, Sibbeston, Tkachuk, Wilson.*

AGRICULTURE AND FORESTRY

Chair: Honourable Senator Gustafson
Honourable Senators:

Deputy Chair: Honourable Senator Wiebe

Biron,	Day,	LeBreton,	Stratton,
*Carstairs (or Robichaud),	Fairbairn,	*Lynch-Staunton (or Kinsella),	Tkachuk,
Chalifoux,	Hubley,	Oliver,	Tunney,
	Gustafson,		Wiebe.

Original Members as nominated by the Committee of Selection

**Carstairs (or Robichaud), Chalifoux, Fairbairn, Fitzpatrick, Gill, Gustafson, LeBreton, *Lynch-Staunton (or Kinsella), Milne, Oliver, Stratton, Taylor, Tkachuk, Wiebe.*

BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Kolber
Honourable Senators:

Deputy Chair: Honourable Senator Tkachuk

*Carstairs (or Robichaud),	Furey,	Kroft,	Oliver,
Di Nino,	Hervieux-Payette,	*Lynch-Staunton (or Kinsella),	Poulin,
Fitzpatrick,	Kelleher,	Meighen,	Setlakwe,
	Kolber,		Tkachuk.

Original Members as nominated by the Committee of Selection

*Angus, *Carstairs (or Robichaud), Furey, Hervieux-Payette, Kelleher, Kolber, Kroft, *Lynch-Staunton (or Kinsella), Meighen, Oliver, Poulin, Setlakwe, Tkachuk, Wiebe.*

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chair: Honourable Senator Taylor
Honourable Senators:

Adams,
 Banks,
 Buchanan,
 *Carstairs
 (or Robichaud).

Christensen,
 Cochrane,
 Eyton,
 Finnerty,

Deputy Chair: Honourable Senator Spivak

Kelleher,
 Kenny,
 *Lynch-Staunton
 (or Kinsella),
 Sibbeston,
 Spivak,
 Taylor.

Original Members as nominated by the Committee of Selection

*Banks, Buchanan, *Carstairs (or Robichaud), Christensen, Cochrane, Eyton, Finnerty,
 Kelleher, Kenny, *Lynch-Staunton (or Kinsella), Sibbeston, Spivak, Taylor, Watt.*

FISHERIES

Chair: Honourable Senator Comeau
Honourable Senators:

Adams,
 *Carstairs
 (or Robichaud),
 Comeau,

Cook,
 Gill,
 Jaffer,
 Johnson,

Deputy Chair: Honourable Senator Cook

*Lynch-Staunton
 (or Kinsella),
 Mahovlich,
 Meighen,
 Phalen,
 Robertson,
 Tunney,
 Watt.

Original Members as nominated by the Committee of Selection

*Adams, Callbeck, *Carstairs (or Robichaud), Carney, Chalifoux, Comeau, Cook,
 Lynch-Staunton (or Kinsella), Mahovlich, Meighen, Molgat, Moore, Robertson, Watt.

FOREIGN AFFAIRS

Chair: Honourable Senator Stollery
Honourable Senators:

Andreychuk,
 Austin,
 Bolduc,
 Carney,

*Carstairs
 (or Robichaud),
 Corbin,
 De Bané,

Deputy Chair: Honourable Senator Andreychuk

Grafstein,
 Graham,
 Kelleher,
 Losier-Cool,
 *Lynch-Staunton
 (or Kinsella),
 Setlakwe,
 Stollery.

Original Members as nominated by the Committee of Selection

*Andreychuk, Austin, Bolduc, Carney, *Carstairs (or Robichaud), Corbin, De Bané, Di Nino, Grafstein,
 Graham, Losier-Cool, *Lynch-Staunton (or Kinsella), Poulin, Stollery.*

HUMAN RIGHTS

Chair: Honourable Senator Andreychuk

Deputy Chair: Honourable Senator Fraser

Honourable Senators:

Andreychuk,	Cochrane,	Jaffer,	*Lynch-Staunton
Beaudoin,	Ferretti Barth,	Kinsella,	(or Kinsella),
*Carstairs (or Robichaud),	Fraser,	Poy,	

Original Members as nominated by the Committee of Selection

*Andreychuk, Beaudoin, *Carstairs (or Robichaud), Ferretti Barth, Finestone,
Kinsella, *Lynch-Staunton (or Kinsella), Oliver, Poy, Watt, Wilson.*

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Kroft

Deputy Chair: Honourable Senator Atkins

Honourable Senators:

Atkins,	De Bané,	Kenny,	Milne,
Austin,	Forrestall,	Kroft,	Murray,
*Carstairs (or Robichaud),	Furey,	*Lynch-Staunton (or Kinsella),	Poulin,
Comeau,	Gauthier,	Maheu,	Stollery, Stratton.

Original Members as nominated by the Committee of Selection

*Austin, *Carstairs (or Robichaud), Comeau, De Bané, DeWare, Doody, Forrestall, Furey, Gauthier,
Kenny, Kroft, *Lynch-Staunton (or Kinsella), Maheu, Milne, Murray, Poulin, Stollery.*

LEGAL AND CONSTITUTIONAL AFFAIRS

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Deputy Chair: Honourable Senator Beaudoin

Honourable Senators:

Andreychuk,	*Carstairs (or Robichaud),	Joyal,	Moore,
Beaudoin,	Cools,	*Lynch-Staunton (or Kinsella),	Nolin,
Bryden,	Fraser,	Milne,	Pearson,
Buchanan,			Rivest.

Original Members as nominated by the Committee of Selection

*Andreychuk, Atkins, Beaudoin, Buchanan, *Carstairs (or Robichaud), Cools, Fraser, Grafstein,
Joyal, *Lynch-Staunton (or Kinsella), Milne, Moore, Nolin, Pearson.*

LIBRARY OF PARLIAMENT (Joint)**Chair: Honourable Senator Poy****Deputy Chair:****Honourable Senators:**

Beaudoin,

Hubley,

Oliver,

Poy.

Cordy.

*Original Members agreed to by Motion of the Senate**Beaudoin, Bryden, Cordy, Oliver, Poy.***NATIONAL FINANCE****Chair: Honourable Senator Murray****Deputy Chair: Honourable Senator Cools****Honourable Senators:**

Baker,

Comeau,

Finnerty,

Mahovlich,

Bolduc,

Cools,

Furey,

Murray,

*Carstairs

Doody,

Kinsella,

Stratton,

(or Robichaud),

Ferretti Barth,

*Lynch-Staunton
(or Kinsella),

Tunney.

*Original Members as nominated by the Committee of Selection**Bolduc, *Carstairs (or Robichaud), Cools, Doody, Finnerty, Ferretti Barth, Hervieux-Payette, Kinsella, Kirby, *Lynch-Staunton (or Kinsella), Mahovlich, Murray, Stratton.***NATIONAL SECURITY AND DEFENCE****Chair: Honourable Senator Kenny****Deputy Chair: Honourable Senator Forrestall****Honourable Senators:**

Atkins,

Cordy,

Kenny,

Meighen,

*Carstairs

Day,

LaPierre,

Taylor,

(or Robichaud),

Forrestall,

*Lynch-Staunton
(or Kinsella),

Wiebe.

*Original Members as nominated by the Committee of Selection**Atkins, *Carstairs (or Robichaud), Cordy, Forrestall, Hubley, Kenny, *Lynch-Staunton (or Kinsella), Meighen, Pépin, Rompkey, Wiebe.*

VETERANS AFFAIRS

(Subcommittee of National Security and Defence)

Chair: Honourable Senator Meighen**Deputy Chair: Honourable Senator Wiebe****Honourable Senators:**

Atkins,	Day,	*Lynch-Staunton	Meighen.
*Carstairs	Kenny,	(or Kinsella),	Wiebe.
(or Robichaud),			

OFFICIAL LANGUAGES (Joint)**Chair: Honourable Senator Maheu****Deputy Chair:****Honourable Senators:**

Beaudoin,	Léger,	Rivest,	Setlatkwe.
Gauthier,	Maheu,		

Original Members agreed to by Motion of the Senate*Bacon, Beaudoin, Fraser, Gauthier, Losier-Cool, Maheu, Rivest, Setlatkwe, Simard.***RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT****Chair: Honourable Senator Austin****Deputy Chair: Honourable Senator Stratton****Honourable Senators:**

Andreychuk,	Di Nino,	Kroft,	Pitfield,
Austin,	Fraser,	Losier-Cool,	Poulin,
Bryden,	Gauthier,	*Lynch-Staunton	Robertson,
*Carstairs	Grafstein,	(or Kinsella),	Rossiter,
(or Robichaud),	Joyal,	Murray,	Stratton.

Original Members as nominated by the Committee of Selection*Andreychuk, Austin, Bryden, *Carstairs (or Robichaud), DeWare, Di Nino, Gauthier, Grafstein, Hervieux-Payette, Joyal, Kroft, Losier-Cool, *Lynch-Staunton (or Kinsella), Murray, Poulin, Rossiter, Stratton.*

SCRUTINY OF REGULATIONS (Joint)

Chair: Honourable Senator Hervieux-Payette

Deputy Chair:

Honourable Senators:

Bryden,	Hervieux-Payette,	Kinsella,	Nolin.
Gill.	Jaffer,	Moore,	

Original Members agreed to by Motion of the Senate

Bacon, Bryden, Finestone, Hervieux-Payette, Kinsella, Moore, Nolin.

SELECTION

Chair: Honourable Senator Rompkey

Deputy Chair: Honourable Senator Stratton

Honourable Senators:

Austin,	Corbin,	Kinsella,	Robertson,
*Carstairs	Fairbairn,	LeBreton,	Rompkey,
(or Robichaud),	Graham,	*Lynch-Staunton	Stratton.
		(or Kinsella),	

Original Members agreed to by Motion of the Senate

*Austin, *Carstairs (or Robichaud), Corbin, DeWare, Fairbairn, Graham, Kinsella
LeBreton, *Lynch-Staunton (or Kinsella), Mercier, Murray.*

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

Chair: Honourable Senator Kirby

Deputy Chair: Honourable Senator LeBreton

Honourable Senators:

Callbeck,	Cordy,	Kirby,	Morin,
*Carstairs	Di Nino,	LeBreton,	Pépin,
(or Robichaud),	Fairbairn,	*Lynch-Staunton	Roberston,
Cook,	Keon,	(or Kinsella),	Roche.

Original Members as nominated by the Committee of Selection

*Callbeck, *Carstairs (or Robichaud), Cohen, Cook, Cordy, Fairbairn, Graham, Johnson,
Kirby, LeBreton, *Lynch-Staunton (or Kinsella), Pépin, Robertson, Roche.*

**ON THE PRESERVATION AND
PROMOTION OF A SENSE OF CANADIAN COMMUNITY**

(Subcommittee of Social Affairs, Science and Technology)

**Chair: Honourable Senator
Honourable Senators:**

*Carstairs
(or Robichaud),

Cook,

Cordy,

Deputy Chair: Honourable Senator

Kirby,

LeBreton.

*Lynch-Staunton
(or Kinsella),

Roberston.

TRANSPORT AND COMMUNICATIONS

**Chair: Honourable Senator Bacon
Honourable Senators:**

Adams,

Bacon,

Baker,

Biron,

Callbeck,

*Carstairs
(or Robichaud),

Eyton,

Deputy Chair: Honourable Senator Oliver

Gustafson,

Jaffer,

LaPierre,

*Lynch-Staunton
(or Kinsella).

Oliver,

Phalen,

Spivak.

Original Members as nominated by the Committee of Selection

*Adams, Angus, Bacon, Callbeck, *Carstairs (or Robichaud), Christensen, Eyton, Finestone,
Fitzpatrick, Forrestall, *Lynch-Staunton (or Kinsella), Rompkey, Setlakwe, Spivak.*

THE SPECIAL SENATE COMMITTEE ON ILLEGAL DRUGS

**Chair: Honourable Senator Nolin
Honourable Senators:**

Banks,

*Carstairs
(or Robichaud),

Kenny,

*Lynch-Staunton
(or Kinsella),

Deputy Chair: Honourable Senator Kenny

Maheu,

Nolin,

Rossiter.

Original Members as agreed to by Motion of the Senate

*Banks, *Carstairs (or Robichaud), Kenny, *Lynch-Staunton (or Kinsella), Maheu, Nolin, Rossiter.*

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Debates of the Senate

1st SESSION

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37th PARLIAMENT

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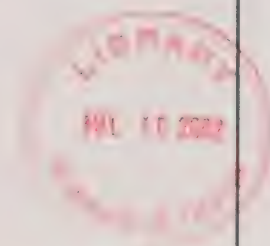
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NUMBER 120

OFFICIAL REPORT
(HANSARD)

Wednesday, June 5, 2002

THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Wednesday, June 5, 2002

The Senate met at 1:30 p.m., the Speaker *pro tempore* in the Chair.

Prayers.

SENATORS' STATEMENTS

QUESTION OF PRIVILEGE

NOTICE

The Hon. the Speaker *pro tempore*: Honourable senator's, pursuant to rule 43(3) of the *Rules of the Senate*, the Clerk of the Senate received earlier today notice of a question of privilege from Senator St. Germain. In accordance with rule 43(7), I now recognize the Honourable Senator St. Germain.

Hon. Gerry St. Germain: Honourable senators, earlier today, pursuant to rule 43(3), I gave notice to the Senate, through the Clerk of Senate, that I would be raising a question of privilege later this day. I believe it has been circulated to all honourable senators. As required, pursuant to rule 43(7) of the *Rules of the Senate*, I now give oral notice that I will rise later this day to address my question of privilege.

This matter concerns actions taken and discussions held by the Minister of Justice with the Chair of the National Liberal Rural Caucus and Member of Parliament for Dufferin—Peel—Wellington—Grey, Mr. Murray Calder, in relation to Bill C-15B passed yesterday in the other place, to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act. This matter relates to a news release sent out by the member of the House of Commons on June 3, 2002. The press release references a deal struck between the Minister of Justice and the Liberal rural caucus regarding an amendment to Bill C-15B. This deal involves the Senate and represents a dismissive view, by the Minister of Justice, of the legislative role of the Senate that, I believe, is an affront to its authority and consequently constitutes a contempt of Parliament.

In accordance with the rules, at the completion of the Orders of the Day today, I will go into more detail with respect to the issue. I should like honourable senators to know that I am prepared to refer the matter to the Standing Committee on Rules, Procedures and the Rights of Parliament, for examination and report.

Clearly, honourable senators, this is an action in contempt of Parliament and a breach of the privileges of all senators. It anticipates the passage by the Senate and Royal Assent of Bill C-15B. Ministers of the Crown cannot act without parliamentary authority. They are not above the law.

THE HONOURABLE ALEXA MCDONOUGH

TRIBUTE ON RESIGNATION FROM LEADERSHIP OF NEW DEMOCRATIC PARTY

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I rise today to pay tribute to Alexa McDonough, who announced her resignation as the Leader of the New Democratic Party.

Alexa McDonough, although born in Ottawa, quickly came to Halifax where she lived all of her life. I am proud to call her a friend. She was first elected leader of the party in Nova Scotia, in 1981. Therefore, she has now served 21 consecutive years as leader of the party, first at the provincial level and, most recently, at the federal level.

Alexa and I worked together for a couple summers on the *Halifax Chronicle-Herald* and the *Halifax Mail-Star* as junior reporters. It is clear that we have not shared the same political party, but we have often shared similar values. Alexa has always been strong in her defence of equality issues for women. She has frequently defended the need to have tougher laws on the abuse of children. On those two issues, she and I are on identical paths.

We have also had similar experiences as women leaders. We have been on panels together on women in politics, coming from a different party perspective but quite often coming from an experience of women who have shared leadership, some of the good times and some of the not so good times.

Alexa has served her party extremely well. She has been an exemplary member of the democratic process of this country, and I wish her and her family well.

POLITICS OF LIBERAL PARTY

Hon. Lowell Murray: Honourable senators, one need not be a constitutional scholar, as I am not, to know how off-the-wall are Prime Minister Chrétien's threats to resolve current internal problems in his caucus and party by calling an election. The idea that, 19 months into this mandate, Mr. Chrétien could properly seek or obtain dissolution of Parliament because of a perceived crisis of confidence in his leadership, even including defeat of a government bill, is offensive to our constitutional tradition. Were Mr. Chrétien to seek a dissolution under such circumstances, it would be not only the prerogative but, in my humble opinion, the clear duty of the Governor General to refuse the request. She would consult with members of the governing party to ascertain whether there was another Liberal, able to form a government to command a majority in the House of Commons. Although I obviously have no direct information on the subject, it is a safe bet that there is at least one Liberal, who could and would try to do so. Mr. Chrétien implied that Mr. Harper might be called on to form a government. This is nonsense. There is not the slightest evidence nor the slightest possibility, in my opinion, that any of the opposition leaders could put together a majority in the present House of Commons. Even if a Chrétien majority ceased to exist today, there would likely still be a Liberal majority in that chamber.

Our esteemed late friend Dr. Eugene Forsey defined the issue with his usual cogency in 1985. He wrote:

Our constitutional system was never intended to be a plebiscitary democracy, in which Parliament exists, debates and votes only on sufferance, under threat of dissolution at any moment by the Government in office, whether or not that Government has a majority in the House of Commons. A system of that sort has no right to be called parliamentary government. It may be questioned whether it has any right to be called democratic.

• (1340)

Parenthetically, I should observe that it would be ironic indeed if, under the circumstances to which I have referred, Mr. John Manley were to be the chosen one and take office by grace of the Crown in Canada that he so despises.

While I believe the situation alluded to by Mr. Chrétien and others remains highly hypothetical, still, the Prime Minister has now propounded an erroneous doctrine that ought to be demolished. In the coming days, it would be helpful to have informed comment on this matter from within and outside the Senate.

FOREIGN AFFAIRS

AFGHANISTAN—CUTS TO FOREIGN AID

Hon. Joseph A. Day: Honourable senators, I should like to draw to your attention an article that appeared at page 11 in yesterday's *Globe and Mail*. Under the headline, "Broken Foreign-aid promises force cuts in Afghan relief," the article reads as follows:

After the fall of the Taliban, Afghanistan's war-weary population was promised that \$4.5-billion (U.S.) worth of foreign aid would pour in to rebuild their impoverished country. That promise, like so many others made in the past, may be in danger of being forgotten.

Later in the article there is a quotation by a United Nations representative who stated:

We still have an immediate humanitarian crisis facing us.

The article goes on to state:

Governments often make splashy announcements, then drag their feet. But there are indications that this shortfall is affecting a number of programs.

The "shortfall" refers to the serious shortfall in foreign aid to Afghanistan.

Honourable senators, I have been assured by the minister responsible for foreign aid and CIDA that Canada is not one of those governments.

The second aspect of the issue that I would bring to your attention relates to a magazine that I had delivered to each of your offices. It contains an article on serving officers in Afghanistan who were trained at the Royal Military College, one of Canada's wonderful national institutions that has been

training representatives of the military and foreign affairs officers for over 125 years. In particular, I would draw your attention to page 12.

Two brothers, graduates of the Royal Military College and serving in Afghanistan, encountered young people with virtually no clothing and walking without shoes in an area where shrapnel was all around. They met young women who previously had been barred from going to school, but were now attending school but had no classroom materials. These men undertook to provide humanitarian aid on their own by asking people to send materials. In the article they ask for donations of the following items for the Afghani people: shoes, not socks since Afghans do not wear socks, school supplies, antibiotic creams and bandages. They state: "Please do not send clothing."

The Hon. the Speaker *pro tempore*: I regret to inform the honourable senator that his time has expired.

Senator Day: I would request leave to continue.

Some Hon. Senators: No.

HUMAN FRONTIER SCIENCE PROGRAM

Hon. Yves Morin: Honourable senators, from June 9 to June 12, Canada will be hosting the annual conference of the internationally renowned Human Frontier Science Program. It is a model of international cooperation and excellence in science. Its origins lie in a proposal by Japan's Prime Minister Nakasone in the late 1980s, with Japan contributing half of its U.S. \$50 million annual budget. Its membership includes the G7 countries plus Switzerland. The program's management and peer review committees are models of scientific objectivity, untainted by national interest.

[Translation]

The program funds international cooperation between biologists and specialists in other disciplines, in order to find new approaches to understanding complex biological systems.

[English]

The program generates one of the biggest returns on Canada's investment in health research. Through the granting councils, Canada contributes more than \$1 million each year to its annual budget, but Canadian researchers regularly win at least twice that amount in research awards and fellowships. Amongst the excellent Canadian researchers recognized in April are Dalhousie University's Alan Fine, who is leading a team of colleagues from the U.S.A. and Japan; Paul Melançon from the University of Alberta, whose teammates include colleagues in France and Germany; and Janet Werker from the University of British Columbia, with a team drawn from the United States, Italy and Spain.

[Translation]

Honourable senators, the selection of Canada as the host of the International Human Frontier Science Program conference is just one more sign of the high esteem Canadian research is held in everywhere in the world.

VIOLENCE AGAINST NURSES IN THE WORKPLACE

• (1350)

Hon. Lucie Pépin: Honourable senators, as it has done for the past 12 years or so, the Fédération des infirmières et des infirmiers du Québec (FIIQ) has recently revisited the problem of violence in the workplace. The results of a survey carried out by the Federation this year indicate that the situation is far from improving. On the contrary, nurses continue to be the target of blows, insults and threats.

The statistics provided by this study are quite simply horrifying. Judge for yourselves! Over the last five years, 57 per cent of nurses feel that the level of violence in their workplace has increased; 67 per cent have been victims of violence. Close to 63 per cent of those who have been attacked on the job name patients as the perpetrators.

We knew quite a lot about nurses' difficult working conditions, but not much about the physical, psychological or verbal violence to which they are subjected.

Unfortunately, this situation is not exclusive to Quebec, as is confirmed by a recent study by the International Council of Nurses, comprised of more than 120 national associations. This is a growing phenomenon world-wide. Of all health care providers, nurses are the most exposed to violence. According to FIIQ President Jennie Skene, they are three times more likely to be faced with it than other categories of professionals.

Nurses, already highly stressed by staff shortages, consider this situation unacceptable and are very vocal about it. Clearly, improved service, lessening of the burden on emergency departments and shorter waiting lists, as well as more nursing staff, would all contribute to improving the relationship between patients, who are frustrated, and nurses. The Federation has decided to undertake activities focussing on education, prevention and mobilization, with a view to ensuring that an anti-violence policy is in place by June 2003.

Honourable senators, there is currently a serious intent to reform our health care system. We must not lose sight of the fact that nurses are major and indispensable partners, without whom it would be difficult to build a viable health care system. I trust that the campaign against violence will receive the support it deserves.

[English]

FOREIGN AFFAIRS

AFGHANISTAN—CUTS TO FOREIGN AID

Hon. John G. Bryden: I would bring to the attention of honourable senators that the packages destined for Afghanistan have been cleared with the military. There will be a distribution from Senator Day's office to all honourable senators' offices, outlining the procedure to be followed.

ROUTINE PROCEEDINGS

CANADA NATIONAL MARINE CONSERVATION AREAS BILL

REPORT OF COMMITTEE

Hon. Nicholas W. Taylor, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Wednesday, June 5, 2002

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

THIRTEENTH REPORT

Your Committee, to which was referred Bill C-10, respecting the national marine conservation areas of Canada, has, in obedience to the Order of Reference of Tuesday, February 5, 2002, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

NICHOLAS W. TAYLOR
Chair

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the third time?

On motion of Senator Taylor, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

STATISTICS ACT NATIONAL ARCHIVES OF CANADA ACT

BILL TO AMEND—COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT

Hon. Michael Kirby: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That notwithstanding the Order of the Senate adopted on April 25, 2002, the Standing Senate Committee on Social Affairs, Science and Technology, which was authorized to examine and report on Bill S-12, to amend the Statistics Act and the National Archives of Canada Act (census records), be empowered to present its final report no later than September 30, 2002.

The Hon. the Speaker pro tempore: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Hon. Lowell Murray: Honourable senators, I do not rise for the purpose of expressing objection to this motion. However, I wonder whether the chairman of the committee could explain the reasons for the extension of time that is being sought by the committee on this matter.

Senator Kirby: Honourable senators, I had a discussion yesterday with Senator Murray, who moved the motion to send Bill S-12 back to the committee, and with Senator Milne, the sponsor of the bill. My original hope had been to seek a two-week delay.

A solution to the issue raised by Senator Murray is in fact to go before a cabinet committee tomorrow. It had been my hope that it would go to the cabinet committee tomorrow and on to the cabinet next week. We would then call Dr. Fellegi, the Chief Statistician of Canada, the following week. Unfortunately, he is going out of the country on Monday and will be gone for three weeks. He will not be back until after the Senate has adjourned for the summer, even if we sit until the end of June. I picked September 30 to ensure that we would deal with the issue as soon as we come back from the summer recess.

Honourable senators, I am happy to make a commitment to the house on behalf of the committee that, if the issue is not resolved, we will have Dr. Fellegi as a witness at the committee's first sitting following our return in September.

Motion agreed to.

QUESTION PERIOD

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— WITHDRAWAL OF NH INDUSTRIES FROM COMPETITION

Hon. J. Michael Forrestall: Honourable senators, does the Leader of the Government in the Senate have responses to the questions I asked her yesterday?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I assume that the Honourable Senator Forrestall is referring to his Sea King questions and not his last question of yesterday. I can tell him that the government has not received any indication of the withdrawal of NH Industries from the bidding process.

REPLACEMENT OF SEA KING HELICOPTERS— EXPECTED DELIVERY DATE OF NEW AIRCRAFT— RELIABILITY OF GOVERNMENT RESPONSE

Hon. J. Michael Forrestall: Honourable senators, that is for another day because I cannot be that far ahead of the government. Believe me, I know of what I speak, unless something has happened to turn the course of events over the last 24 hours.

Part of my question has to do with the credibility of information given to us by the government in response to questions that are of concern to many Canadians, not necessarily a partisan concern, but a concern about the well-being of the 60,000 men and women we ask to stand in harm's way.

In the last few years, the Leader of the Government in the Senate and the government, generally, have been telling us that the government would start replacing the Sea King fleet in 2005.

We were told the same thing by Ms Jane Billings, ADM, Public Works and Government Services Canada, when she appeared before the Committee of the Whole on October 30 of last year. She appeared with Allan Williams, ADM, Materiel, Department of National Defence. I have, in my possession, a briefing note from the staff of Mr. William's branch, presumably prepared under his instructions and with his approval, which states that we will not see a replacement start to arrive for the Sea King before the end of 2006. Witnesses who appeared in front of the Committee of the Whole at that time knew that information, and yet this chamber was not told.

A year does not seem like much, honourable senators, but it is a long time when one has to fly a Sea King. If one has to maintain it, it is twice as long. The government has misinformed the chamber in this regard repeatedly. When the minister rises to respond to questions, we want to know whether we can accept the briefing material she has been given or whether we must take it with a grain of salt.

It is very important that we get on with this question of the replacement of the Sea Kings. It is now common knowledge that we will not see the last of the Sea Kings until 2010. The government has even asked a Halifax-based company to produce a report with respect to the viability of the Sea Kings beyond 2005-06. Can the minister tell us how much of what she gives us in response to serious and concerned questions we can take with certainty and to what degree of certainty?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, with the exception of questions of a humorous vein, I take every single question seriously. When the honourable senator says that the government misinforms, clearly he is implying that I am the spokesperson for that misinformation. I want him to know that I do my best to obtain the most up-to-date information.

In light of his question yesterday, June 4, Senator Forrestall asked if NH Industries is in the process of withdrawing from the Maritime Helicopter Project competition. That information was immediately sent to the Prime Minister's Office where it was then circulated to and vetted by the various ministries. The answer I received today, and it is only the last 24 hours we are dealing with here, is the following: The government has not received any indication of withdrawal from NH Industries.

• (1400)

Senator Forrestall, I can only assume that that is the most up-to-date information. I give it on the basis of the information with which I am provided for in this chamber. That will be the case with every other question that the honourable senator asks with respect to the Sea King helicopters.

Senator Forrestall: Honourable senators, I will not ask the hypothetical question of whether or not the government could then move, theoretically, to call for final proposals, but just pose it so that it is out there, and honourable senators will understand the concern.

I am not charging the minister with not taking her responsibilities seriously. God knows that, in the years I spent as a parliamentary secretary, if those responsible for that book did not check four ways from last Sunday with respect to the veracity and the accuracy of information contained in those replies, the minister would have had our heads. I do not think there is any doubt about that.

I am not casting any aspersions, one way or another; I know the responses are well-meant and well directed. It is just that, somewhere along the line — and I can demonstrate if the minister wants to see it, and I need a magnifying glass to read it since it appears in such fine print, the minister knew a full nine months beforehand that what she was saying was not accurate. Her government knew, or at least somebody in the government knew, because it is contained in Public Works documentation.

My supplementary is this: Clearly, the former minister of National Defence, who had a propensity for not being the most forthcoming, did not inform the Leader of the Government, his caucus colleague, that the information given with regard to the replacement of the Sea King helicopters in 2005 was wrong, or at least incorrect.

Can the minister tell the chamber, does she know why she was not given accurate and correct information? Has anybody drawn it to her attention since the event, and if so, did she take any action to correct it?

Senator Carstairs: Honourable senators, was I given incorrect information? Certainly not to my knowledge. To my knowledge, I have only been given the most up-to-date information. However, I can assure the honourable senator that if at some time in the future I learn that I had been deliberately given misinformation, no one will be angrier than I.

Senator Forrestall: I am pleased to hear that. On behalf of my colleagues on this side, I appreciate that, and thank the minister for it.

Let me end by suggesting this to the minister: Yesterday, I wondered whom I should support, the Prime Minister or Paul Martin. Last night I received a host of telephone calls advising me not to support either one of them because Mr. Martin is even worse than Mr. Chrétien when it comes to supporting the Armed Forces.

Senator Carstairs: Honourable senators, that particular response from the honourable senator does not surprise me. He has been a distinguished member of the Conservative Party for many years, and I certainly would not want him to be, in any way, shape or form, disloyal to that for which he has always stood.

Senator Kinsella: Bravo.

INCREASE IN BUDGET ALLOCATION

Hon. W. David Angus: Honourable senators, the House of Commons Defence Committee is calling for unprecedented peacetime increases in defence spending — as much as a 50 per cent increase over three years. In a report tabled yesterday, the committee said that without substantial increases the military will face a collapse of morale, a rust-out of equipment and the loss of important basic capabilities.

As we all know, the Senate's National Security and Defence Committee also tabled a report recommending an increase in the National Defence budget in the order of \$4 billion.

Will the Leader of the Government in the Senate please tell us if this government has any intention of listening to the pleas of the House of Commons committee, the Senate committee and the Auditor General, or will it convene a public inquiry immediately to examine the state of our Canadian military?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, let me begin by saying that, in the opening moments of last week's cabinet meeting, held on Thursday instead of its normal Tuesday slot, I presented the new Minister of Defence, the Honourable John McCallum, with a copy of the Senate's report, of course recommending it for his reading. He told me that he had already been briefed on the document, and that clearly there would be a House of Commons report.

He went on to say it was his intention to meet with the National Security and Defence Committee of the Senate to hear first-hand from them of their experiences. He has also indicated publicly that he is looking towards putting into place a defence review.

PORT SECURITY—LAWSUIT BY ARMED FORCES PERSONNEL DUE TO OVERWORK

Hon. W. David Angus: Honourable senators, I thank the minister for her answer. Just on that point, however, the minister will recall that, in regard to the so-called Kenny report on National Security and Defence, I have asked, on a number of occasions about the security situation in our ports. I believe the minister has responded that the matter was under review. May I infer, from her answer, that this issue of alleged organized criminal activity in our ports is one of the issues into which the new minister will be looking?

Perhaps I may also add this question: I have been reading, as I am sure we all have, about two former peacekeepers, George Dumont and Jean Claude Drolet, who are suing the government due to stress-related illnesses, saying that they were forced to take on more than they could handle and that they were treated improperly when they succumbed to the rigors of the job they were carrying out in the Canadian military.

Mr. Dumont stated, and I quote:

Canada has some of the best soldiers in the world, but the administrative system is down the drain. The system simply is not working.

He claims there are hundreds of Canadian soldiers in the same condition, with problems of depression, burn-out and other major stress-related problems, and that the situation will only get worse. He goes on to say that the army is understaffed and that soldiers are overworked, underpaid and being stretched to the point where many can no longer even tolerate being there due to the stress and the pressures of the job.

Again, my question is — and I imagine the answer will be the same, since it is a serious situation when we are being sued by our peacekeeping forces based on these kinds of allegations — could the minister amplify, perhaps, the government's reaction to this lawsuit?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, first, with respect to the honourable senator's question on the ports, I have to say that I did not raise the specific question of the ports with the new Minister of National Defence. However, I will now do so.

I think the honourable senator is well aware that large sums of money have been spent on the ports, and that there is now an agreement with the United States for joint inspections and joint use of technology, to make those inspections much more clear and definitive.

With respect to the honourable senator's specific question regarding the two officers who are going to court, I certainly cannot comment on any pending court case, and he knows that. However, in terms of the overall questions which underlie their court action, I am pleased to announce that, due to the recruitment policy — because recruitment is a serious issue here — we have actually exceeded the number of troops that have been recruited successfully into the Armed Forces this year by approximately 1,000. I believe the estimate was for 10,000, and we have, in fact, recruited over 11,000. That momentum obviously needs to be ongoing, and it will be. The honourable senator has identified a very significant issue.

Senator Angus: In conclusion, honourable senators, since by all accounts we are nearing the end of the session before the summer break, and because the report did recommend an inquiry into not only the state of the military but, specifically, the port situation that I have asked about on a number of occasions, has the minister any idea at all whether there is a possibility that an inquiry will be convened or an appropriate inquiry team appointed before the summer recess?

• (1410)

Senator Carstairs: Honourable senators, I have heard nothing in that regard. However, I would suspect that no such announcement will be made, if for no other reason than that the Honourable John Manley is getting up to speed on the broad range of his new portfolio. In response to Senator Angus' specific question, the answer is no, I have heard nothing.

FINANCE

TAX OVERPAYMENTS TO PROVINCES

Hon. Terry Stratton: Honourable senators, my question is addressed to the Leader of the Government in the Senate and it concerns an issue that I spoke to in the house yesterday. The matter of tax collection overpayments keeps coming back, much like a bad toothache.

A report in today's *Winnipeg Free Press* puts the total overpayment to Manitoba at about \$710 million. The same report states that, and I quote:

Paul Martin's office had given Manitoba assurances that it would cover at least 70 to 80 per cent of the overpayment and may even bite the bullet for the full amount.

Honourable senators, the Leader of the Government in the Senate is Manitoba's representative in the cabinet. I assume that the former Minister of Finance kept her fully briefed on the file. Did Mr. Paul Martin's office give the Government of Manitoba, in the words of the article:

...assurances that it would cover at least 70 to 80 per cent of the overpayment and it may even bite the bullet for the full amount...

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, this is clearly an issue of grave concern to me as well as to the honourable senator. I would have been kept as informed as possible, and I was never informed of any such arrangement with the Province of Manitoba. Had I been informed, I clearly would have been quite jubilant. However, I have been informed of the

continuing discussions on this matter since the problem was first identified. First, the government said it would take absolutely no action until it received the Auditor General's report, which was received on Monday. By that time, we had a new Minister of Finance, the Honourable John Manley.

Senator Stratton: Honourable senators, I appreciate and accept what the minister is saying. Manitoba's Minister of Finance, Greg Selinger, is the individual who, I think, was led to believe that at least 70 per cent to 80 per cent of the overpayment would be covered. I ask the honourable senator to read the article, to which I referred, in the *Winnipeg Free Press*.

If the Auditor General's report on this matter came out on Monday, can the Leader of the Government in the Senate inform the chamber as to how long it will take to make a decision?

Senator Carstairs: Honourable senators, clearly this is an issue of grave concern, not just to Manitoba but also to British Columbia, to Alberta and to Ontario, which are the provinces most affected. There were some minor changes to the payments to some other provinces as well, but not within the realm of the number of dollars per capita that have impacted on those four provinces.

The Auditor General has provided four reports, which are currently being analyzed. I know that there is a desire on the part of the government to solve and resolve this issue as soon as possible.

FOREIGN AFFAIRS

INDIA AND PAKISTAN—DISPUTE OVER KASHMIR— STATUS OF CANADIAN NATIONALS—POSSIBILITY OF BEING INCLUDED ON AGENDA OF UPCOMING G8 CONFERENCE

Hon. Douglas Roche: Honourable senators, the Leader of the Government in the Senate will recall that, last week, I raised the subject of India and Pakistan with respect to Canada's role in trying to help alleviate the terrible crisis taking place in that part of the world. The honourable leader said, at that time, that my suggestion that Canada send emissaries to both India and Pakistan was valid, and that she would bring it forward to Minister Graham. Is the Leader of the Government in the Senate in a position to inform the Senate, now, on the government's action to seek to resolve the differences between Indian and Pakistan, in order to reduce the risks of nuclear conflict?

In addition, could the honourable leader tell us about the status of Canadian nationals in both India and Pakistan today? Will they be allowed to stay? What is the government's assessment of their personal security?

Later this month, the G8 will be meeting in Kananaskis, Alberta, where they will be discussing terrorism, generally. Does the Leader of the Government in the Senate think that it would be appropriate to put the question of India and Pakistan, and of Kashmir, on the G8 agenda?

Hon. Sharon Carstairs (Leader of the Government): The honourable senator raised similar questions last week and I am pleased to tell him that there have been discussions by the G8 partners about this particular issue. As a result of that, the Minister of Foreign Affairs, the Honourable Bill Graham, has

telephone conversations with the Foreign Minister of India and the Foreign Minister of Pakistan, on May 31. Clearly, there is deep and grave concern, in the Department of Foreign Affairs, about the escalating problems between India and Pakistan.

Canadian nationals in both Pakistan and India, including the immediate families of our diplomatic staff, have been urged to leave those countries. We have some control over our diplomatic staff because, generally, such an advisory is considered an order, with which they would comply. However, we cannot order other nationals out of other countries. We can only do our best to advise them. It is my understanding that there has been some cooperative effort, including some advertising, in this respect, to inform the nationals of all three countries — the United States, Australia and Canada — that, on the recommendation of their respective governments, they should leave Pakistan and India.

INDIA AND PAKISTAN—DISPUTE OVER KASHMIR— SENDING OF EMISSARIES

Hon. Douglas Roche: Honourable senators, while I welcome, of course, the intervention of Minister Graham, by way of phone calls to his counterparts in India and Pakistan, the comments of the honourable leader indicate that the Government of Canada still views the situation as dangerous, or perhaps extremely dangerous, in that there is a continuing attempt to have Canadian nationals leave both India and Pakistan. Would that not call for even greater steps? Thus, I return to my original question about the Canadian government sending high-level emissaries to both capitals; emissaries who would carry the full credibility and impact of the Government of Canada to urge, on behalf of this entire nation, that the leaders of both countries cease and desist their nuclear sabre-rattling.

Hon. Sharon Carstairs (Leader of the Government): The Government of Canada would fully agree with the conclusion that India and Pakistan immediately cease and desist, as the honourable senator called it, their nuclear sabre-rattling. Both countries apparently have nuclear capability, although we do not know that for certain. However, there is strong evidence that that is so, and that is of grave concern. The Canadian government is working cooperatively with all members of the G8 on the idea that more voices are better than one individual voice on this particular issue. The G8 is a rather formidable organization in terms of their relationships with both India and Pakistan.

I anticipate, Senator Roche, that this will continue to be a cooperative effort with the G8 nations, which is why Minister Graham made the call on behalf of the G8.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour of tabling two delayed answers. The first one is in response to the oral question raised by the Honourable Senator Prud'homme on May 9, 2002, concerning submarines and the names of firms or lobbyists; the second question is in response to the oral question raised by the Honourable Senator Forrestall on March 14, 2002, concerning the war in Afghanistan and the number of engines used so far by our Sea Kings in Operation Apollo.

NATIONAL DEFENCE

PURCHASE OF SUBMARINES FROM UNITED KINGDOM—INVOLVEMENT OF LOBBY GROUPS

(Response to question raised by Honourable Marcel Prud'homme on May 9, 2002)

For the period March 1996 — November 1998, VAdm(Ret'd) J. Allen was registered as supporting Vickers Shipbuilding for "UPHOLDER Submarine Service Support." For the period July 1998 — April 2001, RAdm(Ret'd) E. Healy was registered as supporting GEC Marine for "Acquisition of four UPHOLDER Class Submarines by DND from the Government of the UK."

WAR IN AFGHANISTAN—OPERATION APOLLO— REPLACEMENT OF SEA KING HELICOPTER ENGINES

(Response to question raised by Honourable J. Michael Forrestall on March 14, 2002)

ANSWER (as of May 2002)

So far, a total of seven (7) engines requiring minor repairs have been removed from Operation Apollo aircraft. Most of these engines have already been returned to service.

• (1420)

[English]

ORDERS OF THE DAY

LEGISLATIVE INSTRUMENTS RE-ENACTMENT BILL

REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighteenth report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill S-41, to re-enact legislative instruments enacted in only one official language, with amendments), presented in the Senate on June 4, 2002.

Hon. Lorna Milne moved the adoption of the report.

She said: Honourable senators, I rise this afternoon to present the eighteenth report of the Standing Senate Committee on Legal and Constitutional Affairs, concerning Bill S-41. Your committee has recommended five amendments to this bill. Before I deal briefly with each one, I wish to make several observations.

Your committee worked exceptionally hard on this bill, and significant contributions were made from all around the committee table. I want to thank all the members of the committee for taking the time to work together, as we wrapped our heads around what I thought, at first, was a straightforward bill.

As our hearing progressed, we collectively realized that significant constitutional principles were at the heart of this bill. Our deliberations focused on those issues and have led to these amendments.

Your committee made many changes to the bill because we all believed that these improvements were needed to safeguard constitutionally entrenched language rights. Constitutional law requires all statutory instruments to be enacted, printed and published in both English and French. There are many statutory instruments that were enacted and published in only one language. In the bill as referred to committee, the executive was given wide latitude to fix these problems as they arose, not in any time limit, by re-enacting the problematic instruments. Your committee felt that this approach did not live up to the government's constitutional obligations. The amendments redefine the framework under which language problems in legislative amendments will be fixed.

The first amendment, which is to clause 2 on page 1 of the bill, limits the government's ability to re-enact legislative instruments to those that were enacted "before the coming into force of section 7 of the Official Languages Act on September 15, 1988." Your committee believes that by that date the government was, or should have been, fully aware of its constitutional obligations and thus should have to pay the price for any mistakes it made after that date.

The second amendment is to clause 4 on page 2 and has two parts. The first was necessary to close a loophole in the bill as written. Bear with me while I try to explain the loophole.

All government regulations must be published either in the *Canada Gazette* or in some other publication. If a regulation is not published, it is unconstitutional and invalid. It is possible that there are some regulations that were enacted but never published. As previously written, the bill allowed the government to fix the regulations that were, first, published in the *Canada Gazette*; second, published in some other publication; or, third, never published at all. The first part of the second amendment prevents the government from fixing legislative instruments that were never published at all.

The second part of the second amendment makes it clear that no person can be convicted of an offence under an improperly enacted legislative instrument unless the government fixes the instrument before the alleged offence is committed. One cannot be convicted of this retroactively. Under the original version of the bill, the person could be convicted if the government had taken reasonable steps to make that person aware of the law, regardless of whether or not the government had fixed the problem. Again, your committee believed that the government should be held to a higher standard. The government must prove that the law is in place constitutionally before any person is convicted under its provisions.

The third amendment is to clause 4 on page 3. It sets a deadline for the government to fix the problem. All legislative instruments that were improperly enacted, printed or published and that are not fixed within a period of six years after the date that this bill comes into effect are immediately repealed. Under the original bill, there was no deadline for the government to fix the problem. Your committee believes that the Canadian public has a right to know what its laws are and felt that six years would be sufficient time to allow the minister to complete his or her work.

The fourth amendment, on page 3, again to clause 6, states explicitly:

The English and French versions of an instrument re-enacted under section 3 or 4 are equally authoritative.

That is self-explanatory.

The fifth amendment, on page 3, adds a new clause to the bill. It has three parts. The first part adds a new clause 7. This clause states that no instrument that was repealed or had otherwise ceased to be in force will be revived by this bill. In short, if a regulation was repealed or expired yesterday, it will remain repealed or expired after the bill is passed.

The second part of the fifth amendment merely rennumbers a clause that was already in the bill.

The third and final part of the fifth amendment contains a review provision. Briefly stated, the Minister of Justice has five years to complete a review of the work his or her government had done under this bill. The minister then has one further year to report to Parliament, on the findings of his or her review. In that report, the minister must first describe the measures taken to identify legislative instruments that are unconstitutional. Second, he or she must list all legislative instruments that have been repealed and re-enacted under this bill. Third, he or she must list all legislative instruments that the minister has discovered are not constitutional but have not yet been fixed.

Honourable senators, I believe that the five amendments in the committee's report substantially improve this bill. More to the point, they effectively carry out the constitutional responsibilities of the government.

I urge all honourable senators to vote in favour of the adoption of this report.

[Translation]

Hon. Gérald-A. Beaudoin: Honourable senators, the Standing Committee on Legal and Constitutional Affairs studied Bill S-41 at length, in a climate of honest co-operation, to the credit of all members of the committee. We heard from many witnesses and, as the chair, the Honourable Senator Milne, pointed out, we came to the conclusion that a number of amendments were needed to improve the bill.

Senator Milne gave a good summary of the amendments we are proposing. These amendments are technical in nature. I would like to say a few words about them.

The first amendment has to do with clause 2 of the bill and specifies that the legislation applies until September 15, 1988, the date on which the second Official Languages Act came into effect. Incidentally, there is no valid reason for legislative instruments being published in only one language after that date. If any legislative instrument has been published in one language only since September 15, 1988, they will be dealt with on a case-by-case basis. The ideal date would have been April 17, 1982, the date the Constitution Act, 1982, took effect. But September 15, 1988 also makes sense.

We are proposing three amendments to clause 4 of the bill. The purpose of the first is to close the non-publication loophole, since clearly the instrument in question was supposed to be published but was not; it will be published in both official languages.

• (1430)

The second amendment clarifies the non-retroactive scope of the legislation as regards offences. As a result, no one can be convicted for an offence that is a violation of a newly re-enacted legislative instrument, unless this offence took place after the re-enacted instrument came into force and after its publication in both official languages.

Lastly, if legislative instruments specified by the bill are not re-enacted within the six years after their coming into effect, they will automatically be repealed.

The amendment proposed for section 6 would ensure that both versions of the re-enacted instruments have equal force of law. This goes without saying.

The new clause 7 provides for a safeguard clause to cover all situations. Legislative instruments that have already been repealed will not be re-enacted by accident.

The new clause 8 would exempt statutory instruments re-enacted under clauses 3 and 4 of Bill S-41. Furthermore, this clause specifies that instruments re-enacted under clause 3 and 4 of the bill will automatically be examined by the Joint Committee on the Scrutiny of Regulations.

The new clause 9 provides for an update report. It includes re-enacted legislative instruments, legislative instruments that have not been re-enacted and instruments that have been identified, but neither repealed nor re-enacted. It sets out measures that will be taken to identify instruments described in subclause 4(1). Finally, it provides the number of legislative instruments that are not published — those described in subsection 15(3) of the Statutory Instruments Act. It is basically an accountability provision.

In closing, I would like to say that Bill S-41 is a very important legislative measure. Statutes adopted by the Parliament of Canada are passed in French and in English, pursuant to section 133 of the Constitution Act, 1867, section 18 of the Charter of Rights and Freedoms, and the Official Languages Act. In 1979 and 1992, the Supreme Court of Canada ruled that legislative instruments must also be adopted and published in French and in English. There is a possible exemption for orders and measures that are not of a legislative nature, that are not of public interest or that concern state security.

Unfortunately, this is why Bill S-41 was drafted; some regulations were not published in both official languages. This bill rectifies this very serious deficiency.

The Standing Committee on Legal and Constitutional Affairs spent a great deal of time and energy to solve this problem. I invite honourable senators to adopt our report.

[English]

Motion agreed to and report adopted.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Robichaud, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

BILL TO REMOVE CERTAIN DOUBTS REGARDING THE MEANING OF MARRIAGE

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cools, seconded by the Honourable Senator Wiebe, for the second reading of Bill S-9, to remove certain doubts regarding the meaning of marriage.—(*Honourable Senator Jaffer*).

Hon. Herbert O. Sparrow: Honourable senators, with permission, I should like to make a few comments in support of Bill S-9.

Honourable senators, marriage, the lawful union of a man and woman, is a foundational institution to Canadian and world society. Many Canadian men and women choose to enter into marriage relationships. Furthermore, the meaning of a marriage, as between a man and a woman, currently exists in law. Bill S-9 clarifies the meaning of marriage by repeating and upholding existing legislation.

In my support of Bill S-9, I wish to briefly discuss the importance of marriage to Canadian society. In so doing, I shall begin by providing a brief examination of marriage as a social institution. Marriage provides a secure, coherent framework within which a man and woman commit to loving, serving and honouring each other for the remainder of their lives. The marriage relationship provides a stable context in which a man and a woman procreate and raise the children who are our nation's future. Marriage relationships underpin and reinforce households and families. Many Canadian men and women have chosen to express their long-term commitment to each other and their future children. Canadian men and women continue to support and uphold marriage as a social institution.

I have stated that the marriage relationship is unique and distinctive from other human relationships in that it provides the framework within which a man and woman join together for the procreation and raising of children. No other human relationship, no matter how loving and committed, is the same as the marriage relationship. No other human relationship provides a framework for procreation and raising of children as does marriage. We must continue to support and uphold marriage as unique and significant to Canadian and world society.

The meaning of marriage as it exists in legislation is that marriage is a union of one man and one woman. That is the state of the law. Bill S-9 simply repeats and upholds existing legislation.

On motion of Senator Robichaud, for Senator Jaffer, debate adjourned.

• (1440)

[Translation]

FISHERIES

BUDGET AND REQUEST FOR AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON MATTERS RELATING TO OCEANS AND FISHERIES— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Fisheries (*Budget 2002-2003*) presented to the Senate on June 4, 2002.—(*Honourable Senator Comeau*).

Hon. Gerald J. Comeau moved the adoption of the report.

Motion agreed to and report adopted.

[English]

QUESTION OF PRIVILEGE

The Hon. the Speaker: Honourable senators, we have now reached the point in the Orders of the Day to deal with the question of privilege of which Senator St. Germain gave proper notice under Senators' Statements. I call on the Honourable Senator St. Germain.

Hon. Gerry St. Germain: Honourable senators, I rise on a question of privilege on a matter of importance to all honourable senators as it impacts upon the way in which we fulfil our duties and responsibilities as senators. It impacts on the mandate, function and practices of this place.

My question pertains to a news release sent out by a member of the House of Commons, Mr. Murray Calder, on June 3, 2002. The press release references a deal struck between the Minister of Justice and the Liberal rural caucus regarding an amendment to Bill C-15B. This deal involves the Senate and represents a dismissive view by the minister, of the legislative role of the Senate, that I believe is an affront to its authority and a contempt of Parliament.

I will submit the press release in its entirety to His Honour, but for the purpose of my question of privilege, I will read the offending paragraph:

Previously Calder had indicated that he and others would vote against the bill unless it could be amended.

The breakthrough came when Justice Minister Martin Cauchon agreed that he would look favourably on a rural-caucus-initiated amendment in the Senate that would offer limited assurances to responsible animal users.

The press release identifies this deal as a win, a *fait accompli*, close the file and stop worrying because the minister fixed the bill. The press release goes on to further offend the Senate by stating:

This is a win, win situation. This is a good bill that will provide much tougher penalties for those who wantonly abuse animals. It modernizes an outdated law and treats animals as being with a capacity to feel pain, and not merely as property. At the same time, when amended, it will

reassure those who use animals responsibly in their livelihood or recreation.

Members of the House of Commons are making a deal based on a future decision of the Senate. So confident are these members in the Minister of Justice's perceived power over the Senate that they are willing to vote a certain way, and they are justifying their vote to their constituents based on the Senate taking certain decisions favourable to them. The Minister of Justice is giving the impression to the public that it is his decision, not the Senate's, that will determine the outcome of amendments proposed in the Senate.

I should like to submit a ruling by the Speaker of the House of Commons, from October 10, 1989. Speaker Fraser ruled on a similar matter regarding an advertisement put out by the government that made it appear that the GST was approved by Parliament before Parliament actually approved it. The Speaker referenced the member for Windsor West, the recently retired Deputy Prime Minister Herb Gray, as saying.

When this advertising says in effect there will be a new tax on January 1, 1991, the advertisement is intended to convey the idea that Parliament has acted on it because that is, I am sure, the ordinary understanding of Canadians about how a tax like this is finally adopted and comes into effect. That being the case, it is clearly contempt of Parliament because it amounts to a misrepresentation of the role of this house.

While Speaker Fraser in 1989 did not rule a *prima facie* question of privilege, he did say:

I want the House to understand very clearly that if your Speaker ever has to consider a situation like this again, the Chair will not be as generous.

Speaker Fraser was in a quandary and not sure on which side he should rule, so he gave a warning. He warned that the next time he would rule on the side of granting a *prima facie* question of privilege.

A similar case was raised in 1997 involving the Department of Finance anticipating a decision of the House, and the Speaker ruled on November 6, 1997, that:

The Chair acknowledges that this matter is a matter of potential importance since it touches the role of members as legislators, a role which should not be trivialized. It is from this perspective that the actions of the department are of some concern. The dismissive view of the legislative process, repeated often enough, makes a mockery of our parliamentary conventions and practices. I trust that today's decision at this early stage of the 36th Parliament will not be forgotten by the minister and his officials and that the department and agencies will be guided by it.

Honourable senators, I believe that if this house is to function with authority and dignity, then it must be respected, especially by members of Parliament and the executive branch of the government. Therefore, I ask that His Honour rule that this matter is a *prima facie* question of privilege, at which time I would be prepared to move the appropriate motion.

Honourable senators, I see this not as a partisan issue, but one of respect for this great institution in which we sit as senators.

Hon. Nicholas W. Taylor: Honourable senators, although I can sense what is driving the honourable senator to raise this question of privilege, there is possibly a bit of misunderstanding here. I am a senator and a member of the Liberal rural caucus.

The rural caucus has been quite concerned with the bill as it appears in the House of Commons with respect to the cruelty to animals. By the time our rural caucus was able to make our point to the minister, the bill had already floated past the House of Commons and was on its way to the Senate. Contrary to what the honourable senator says, I think that this honours the Senate.

• (1450)

When was the last time you heard a minister of the government willing to say in the House of Commons that, whether or not the Senate amends a bill, they will accept it?

Senator Forrestall: I hear you Senator Taylor, and I do not believe it.

Senator Taylor: It may well be that when they were in power, your ministers refused to listen to any recommendations from the Senate. However I think ours will do so, at times. This is only a statement by the chairman of a committee within the caucus.

What I wish to get across to His Honour is that there is no violation of privilege intended here. If anything, it flatters the Senate, to the extent that a minister of the Crown is saying that if the Senate returns a bill and wishes to make a change to it, he will accept that change.

The point is that we in the Senate have always had that right to make changes, which a minister may or may not accept. All that has happened is that this minister has said that if this change is made and the bill returned to the House of Commons with that change, he will accept it. I do not see that as infringing on the privileges of the Red Senate. If anything, it is a compliment.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I strongly believe this is not a question of privilege. I have the press release in hand to which Senator St. Germain is referring. It states that the members of the Liberal rural caucus are calling for government support as a result of the agreement whereby the bill might be amended in the Senate.

When I go out to speak in the schools, I tell the students that the Senate plays the same role as the House of Commons. We can propose amendments to bills, or reject them. This is what is stated in the first paragraph. The third refers to statements by Minister Cauchon, namely that he would be agreeable to giving favourable attention to an amendment from the Liberal caucus in the Senate. My reading of this is not that the minister is saying that there will be a Senate amendment to the bill. Nor is he saying that there will not be one. His language is neutral.

However, I have an excerpt from the *House of Commons Debates* of June 3, 2002. It just so happens that a member of the other place asked a direct question to Minister Cauchon. It would be appropriate for us to be aware of that question and of the answer provided. It deals precisely with the point of order raised by the Honourable Senator St. Germain. The question was put by Jim Abbott, the member for the riding of Kootenay—Columbia. He represents the Canadian Alliance, just like the Honourable Senator St. Germain.

Mr. Speaker, in order for the legislation to go through, the minister and the government whip must have the full co-operation of the backbenchers of the Liberal Party. I have it on good authority that the minister has been advising backbench Liberal members that whatever necessary amendments may have to be done in order to make the legislation proper will be done in the Senate after the bill passes third reading in the House.

I would like to have a simple answer. Has the minister or anyone on his behalf made those assurances in order to get people in his party on side? The answer is either yes or no.

The reply given by the Hon. Martin Cauchon was as follows:

Mr. Speaker, we have to be careful and respect the Senate process. There are different stages. The bill is in the House of Commons at this point in time after which it will be referred to the Senate. The Senate will have to look at the bill. We will see what takes place at that time.

Bill C-15B is a good bill. It modernizes the existing sections of the criminal code and creates a definition of animals to increase penalties. As well it creates the new offence of viciously killing animals.

Let us proceed in the House of Commons and respect as well the process on the Senate side.

Honourable senators, I believe that this excerpt clearly spells out the minister's intentions, who never indicated to the members of the rural caucus that there would be an amendment in the Senate. The minister has a clear understanding of the process that takes place in the House of Commons and in the Senate. Honourable senators, based on this information, I do not think that this is a question of privilege.

[English]

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I think that one should read this press release carefully, because it contradicts what both Senator Taylor and Senator Robichaud have said. There is a commitment between the government and the Liberal rural caucus that an amendment will be tabled in this chamber and passed. I emphasize the "and passed," otherwise, the bill would still be in the House of Commons.

I draw the attention of honourable senators to the second-to-last paragraph, where Mr. Calder says "at the same time when amended." Not "should it be amended" or "hopefully an amendment will be passed" but "when amended." In other words, there is a commitment on the government side over there to the Liberal rural caucus that the bill, once tabled here and sent to committee, will be subject to an amendment.

I assume, without proof, that that amendment is already written, and the question to be asked is why was the amendment not proposed in the place where it should have been proposed? Why are we now to be considered an extension of the House of Commons? Why, even worse, are we to be considered an extension of the Liberal caucus, and of the government?

It is not for us to complete the work of the other place; it is for the other place to send us completed work, and then it is for us to examine the legislation, as we always do, and try to improve it, if improvements can be found, through amendments or whatever other means. Now, we are being practically instructed, once we get this bill, to look with favour on an amendment that we have not even seen. We have no idea what they are talking about, except that it is something to satisfy some 18 or 20 members of the Liberal rural caucus who told their government that if they do not receive some assurances, the bill will not get out of the House of Commons, and we are becoming a tool of that political in-fighting.

If that is not an attack on our privilege, I do not know what is. Let me quote from two authorities, to strengthen my argument.

• (1500)

Jeanne Sauv , former Speaker of the House of Commons, said in the House on October 29, 1980, that the definition and application of the concept of contempt is ever changing. She said, at page 4214 of Hansard, on October 29, 1980, the following:

...while our privileges are defined, contempt of the House has no limits. When new ways are found to interfere with our proceedings, so too will the House, in appropriate cases, be able to find that a contempt of the House has occurred.

The government, by announcing even before we receive the bill that an amendment is to be presented to us and passed by us, is interfering in our proceedings. It is as simple as that. Allow me to quote from *Erskine May, Parliamentary Practice, Twenty-second Edition*, chapter 8, page 108:

Generally speaking, any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any Member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent of the offence.

Honourable senators, there is no precedent, as far as I know, of the Senate of Canada being alerted, even before a bill is tabled before it, to the fact that an amendment is in the works that the House of Commons wishes for but does not have the courage to pass itself.

Why was the amendment at issue not tabled in the House of Commons? I will not go beyond the argument on the question of privilege; however, I suspect that this is a convenient way for the government to kill the bill.

Honourable senators, my thinking on this matter is as follows. The bill is before us. Next week, depending on the outcome of the question of privilege, the bill may be sent to committee. We will not have a chance to consider it until we resume in September or October. Prorogation will follow shortly thereafter. As a result, the bill will die on the Order Paper and the minister will say this:

"I am sorry, but I could not do anything about it. It is beyond my control."

This may all seem Machiavellian — and goodness knows, these days that word is not an exaggeration — but why was the amendment, which satisfied the Liberal rural caucus, not tabled in the House of Commons?

It is an insult to the House of Commons to be told: "You people are not qualified to complete the work on the bill, so send it over to the other place, they will do it, and then we will get it back and rub our hands in glee." We should not be party to that kind of exercise because it is demeaning to the parliamentary process. It is an insult to the House of Commons; it shows contempt for this place; and certainly, it is an insult to the responsibilities that this place has been carrying out for so many years.

For those reasons, I support the question of privilege raised by the Honourable Senator St. Germain. I hope, Mr. Speaker, that you will entertain it favourably.

[Translation]

Senator Robichaud: If the Leader of the Opposition's reasoning were correct, I would agree completely with him. But he is basing his argument on a fictitious amendment. I have not seen it. I have not been told of it. His argument is based on the fact that the government influenced its members to vote in favour of the bill on the assumption that there would be an amendment in the Senate.

I do not see any amendment, I do not have it, I have not seen it. If anyone has seen it, I would certainly like to know about it. His argument is based on a non-existent amendment.

Senator Lynch-Staunton: A promise.

Senator Robichaud: Did anyone hear the minister make this promise? I did not. There is a bit of speculation going on. If the other side is assuming that the Senate can do as it pleases and that will be that, it is mistaken. The other place was made well aware of the powers and proceedings of the Senate. We will exercise our powers during consideration of this bill. We have sent back amended bills, which were returned to us. The Chamber is well aware of what we can do, and what we do well for that matter.

But taking the argument a bit further, if a minister took it for granted that amendments could be easily passed in the Senate, he was taking the risk of seeing his amendment defeated and his bill thrown out completely.

Further to the Honourable Leader of the Opposition's comments that this is one way of not taking the process of considering this bill to its completion, I think that the government wants this bill to be considered seriously in the Senate. The honourable senator is telling us that there may be prorogation in the fall. He is speculating again.

Maintaining that there is a question of privilege on a fictitious amendment or a hypothetical prorogation does not, honourable senators, constitute sufficient grounds for a question of privilege from Honourable Senator Saint-Germain.

Senator Lynch-Staunton: I agree completely with Senator Robichaud. There is no amendment before us. That is what makes matters worse. We are being sent an incomplete bill.

If we believe what Murray Calder is telling us, and so far the Minister of Justice has not denied it, and I quote from the English version:

[English]

The breakthrough came when Justice Minister Martin Cauchon agreed that he would look favourably on a rural-caucus-initiated amendment in the Senate that would offer limited assurances to responsible animal users.

Senator Taylor: What is wrong with that?

Senator Lynch-Staunton: The problem is that we have before us an incomplete bill. We have a bill for which the government, according to the press release, through the Minister of Justice, will look favourably on an amendment. How can we look intelligently at a bill that is incomplete? I return to the question: If this amendment is so good, why was it not passed in the other place? It is offensive to take this place for granted. Before we even look at the bill, there is an amendment in process that, obviously, the majority will support.

Do we want to agree to being an extension of the House of Commons, to do the work that they should be doing? That is not our role, honourable senators. That is where the privilege arises. It offends our freedom to act as we want, openly and without undue pressure.

• (1510)

Hon. Joan Fraser: Honourable senators, it seems to me that we are getting very confused here. We are discussing two points: The first has to do with the press release that was issued by Mr. Calder, who is a private MP. Members of Parliament have been known to make mistakes before, and I will not judge the nature of the mistake that Mr. Calder has made, in my view, in making that press release. The second point is whether, indeed, some kind of deal has been made that pre-empts this chamber's freedom to conduct its business.

I can tell honourable senators that, as the sponsor of the bill, I was as surprised as anyone to see Mr. Calder's press release. I have not been party to any deal. Indeed, I have been assured that there is no deal, and that the minister meant what he said when he said that it was important to respect the Senate's freedom to conduct its own business.

I would have been astounded if there had not been suggestions made before the committee to amend the bill, because there are always suggestions made to amend every bill. When someone has failed to have an amendment made in the other place, they frequently will try to have it made in the Senate. I was expecting that to happen this time, and I expect Mr. Calder will be out there lining up his troops to try to have an amendment made here. I assume that our committee will consider any representations made by Mr. Calder, and by anyone else, including the minister, on their merits, and act accordingly.

I do think, however, that it is important to separate the question of what the committee does from the question of whether the press release was, in some way, reprehensible.

Hon. Eymard G. Corbin: Honourable senators, I was rather shocked yesterday when I read the account of this attempt by the House of Commons to shirk its responsibilities. If there is a valid

question of privilege, I think that question of privilege lies in the House of Commons itself and with its members. In my opinion, it is unprecedented that the House of Commons would knowingly send to the Senate an incomplete or defective bill without taking the necessary measures to correct those defects.

I am not speaking for the government here. I am not speaking for the minister. I am not speaking for the bill. I have a great deal of sensitivity — I must admit my bias — in favour of animal rights. I am speaking about the respective roles of the independent institutions: the Senate on one side and the House of Commons on the other.

In my lifetime in the House of Commons, I do not recall an instance of deliberately sending to the upper house an incomplete or distorted bill because of fear of embarrassing divisions, or approaching holidays, or any other reasons. That House knows that a bill which it wants to send our way is defective, in the sense that it has not been submitted to the full process of scrutiny and finality by way of a decisive vote. Inasmuch as I have a great deal of sympathy for Senator St. Germain's proposition in asking the Speaker to see this as a *prima facie* case of breach of privilege, if I were a member of the other House, I would rise in that House and claim privilege, and not do it here in this house.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I concur in what the previous honourable senator has just stated. It seems to me that this matter is about the integrity of Parliament, in a bicameral Parliament. I think Senator Corbin is quite correct when he observes that the members of the other place should be on guard to protect their privilege. Senator St. Germain has raised the matter in this house because it has come to this house. I think he is quite right. Clearly, there is a *prima facie* case of breach of privilege.

In order to be helpful to the Speaker, I would like to put on the record the June 3 Hansard from the other place. I quote Mr. Jim Abbott, Kootenay-Columbia, of the Canadian Alliance:

Mr. Speaker, in order for the legislation to go through, the minister and the government whip must have the full co-operation of the backbenchers of the Liberal Party. I have it on good authority that the minister has been advising backbench Liberal members that whatever necessary amendments may have to be done in order to make the legislation proper will be done in the Senate after the bill passes third reading in the House.

I would like to have a simple answer. Has the minister or anyone on his behalf made those assurances in order to get people in his party on side? The answer is either yes or no.

If you continue to read that edition of the House of Commons Hansard, there is no clear "yes" or "no" answer. There is a soft expression of view that the other place — meaning, to them, the Senate — has its processes that must be followed. However, there is no rejection of that premise that the minister knows full well that his bill is not acceptable the way it is, and that to get it out of the House he has given these assurances. On what authority, I do not know, because none exists. He himself believes the bill is flawed and needs correcting, but will, nevertheless, allow it to leave the House of Commons without having the flaws corrected.

How many members of the House of Commons held their noses and voted "yes" at third reading on the promise of the minister that the bill would be amended — where? — in this chamber? This goes to the essence of the matter of abreach of privilege.

Honourable senators, Beauchesne, sixth edition, page 25, paragraph 3, speaks to interfering with members:

It is generally accepted that any threat, or attempt to influence the vote of, or actions of a Member, is breach of privilege.

The statement that I just read from the Hansard of the other place clearly falls within that rubric.

Honourable senators, another very important point is that the breach of privilege can be reflective not only of an internal analysis of what is taking place — and it is all there in the Hansard of the other place — but also that there is an external dimension that speaks to this breach of privilege. The external analysis is the perception of the Canadian people as to the relevance of this house. That is the privilege that I think we are obligated to defend, that the privileges of the Senate of Canada — the second chamber in a bicameral system — are being undermined.

Why do I say that that is part of an external analysis? Honourable senators, we have heard what one news release said. From my province of New Brunswick, here is a report from the *Times & Transcript*. This is what the people of New Brunswick have heard:

After threatening to vote against his own government's cruelty to animals bill, New Brunswick Liberal MP Andy Savoy and the rest of the rural caucus retracted their threats and voted for the bill unamended yesterday.

The MPs are concerned that the cruelty to animals provisions in the bill, which now heads to the Senate, would be turned against farmers, turning them into criminals for traditional practices such as de-horning and branding.

Savoy said he accepted a promise from Justice Minister Martin Cauchon to amend the bill at the Senate, despite the fact that Savoy had originally rejected the offer.

He said Cauchon had preferred to amend the bill when it reached the Senate where the Liberal majority is larger and the opposition less complex.

However, Cauchon's plan also means that the bill will return...

• (1520)

Honourable senators, there is the public perception that, I say, speaks to the external dimension of the privilege. We will become a laughing stock. This institution and its role in the bicameral system is undermined. I think that the issue of privilege is a very serious one as raised, and I think certainly there is a *prima facie* case that should be looked into.

[Senator Kinsella]

[Translation]

Senator Robichaud: Honourable senators, nothing I have heard here convinces me that there is cause to raise the question of privilege.

There is conjecture and reference to a release with statements that are unfounded. When he referred to extracts from the *House of Commons Debates*, my honourable colleague opposite spoke of a question asked of the minister, but did not refer to the response. He said that the response was not clear. I think that the response given by the Minister of Justice, the Honourable Martin Cauchon, is perfectly clear, and I will quote it in English.

[English]

"Mr. Speaker, we have to be careful and respect the Senate's process. There are different stages. The bill is in the House of Commons at this point in time, after which it will be referred to the Senate. The Senate will have to look at the bill. We will see what takes place at the time."

[Translation]

If the minister had stated at the time that there would be no amendments in the Senate, this accusation could have been made. Even this accusation is unfounded. The minister was very clear when he said that it was imperative that the parliamentary process in the Senate be respected, i.e. first reading, second reading and consideration in committee.

If he had said otherwise, I believe he would have been mistaken, that he would have gone too far and that we could find that there is cause to raise the question of privilege. The minister was very clear in saying that the parliamentary process in the Senate had to be respected.

I cannot confirm whether or not there will be amendments. At second reading, the bill will be considered in committee in the usual manner. The minister said that he respected this process and gave no assurance as to whether or not there would be any amendments.

I say this is based on suppositions. My honourable colleague speaks of "perception." If we were to rely on everything we read in the newspapers, we would spend all our time correcting allegations and trying to correct the image projected, which does not always reflect reality. In this case, the minister's answer is clear. It reflects reality and respects the actions that will be undertaken by responsible senators.

Hon. Roch Bolduc: Honourable senators, if I understand correctly, we can take for granted that no marching orders were given, as far as what will be done in the Senate. Is the press release a product of the MP's imagination?

Senator Robichaud: Honourable senators, I can say that this is not the case. Senator Bolduc is referring to the time he sat on the government side. I refer to senators, in general, on one side or the other, who do not follow orders blindly. On this side, we have to advance the government's agenda.

Bills represent a step forward. The opposition fulfils its role very well by pointing out flaws in a bill and moving amendments.

Senator Bolduc states that the press release is the product of the MP's imagination. I will not speak on behalf of a member in the other place. And I will not pass comment on what Senator Bolduc has said.

[English]

Hon. Lorna Milne: Honourable senators, since this bill is quite likely to come to the Standing Senate Committee on Legal and Constitutional Affairs, I would point out that we rarely take marching orders from anyone. We have just recommended five amendments to a government bill.

I also point out that we do not make amendments lightly. We do not make them unless evidence has been presented before the committee that supports those amendments, and I can assure the Senate that we will not make amendments lightly in the future.

Senator St. Germain: Thank you, Your Honour, for having the patience to listen to the arguments from both sides. It is in your purview and it rests with you to establish whether there is a *prima facie* case in this instance.

For clarification, Senator Taylor made reference to the fact that we are too late. Unless I am living in a different world, this issue that was promised to be amended here in the Senate, a promise that persuaded rural caucus members to vote for the bill as it was presented in the House of Commons, has been on the front burner from day one. This has been an issue with ranchers like myself and others who are in the ranching and farming business, such as Senators Sparrow and Gustafson and others here who own cattle. For clarification, I am sure that the issue did not come up too late, but I will not argue. If that is the way Senator Taylor sees it, I will respect what he said.

Senator Taylor: It came through the committee.

Senator St. Germain: Honourable senators, members of the other place voted on an action that was promised in this place. This clearly indicates that the minister must have been involved.

Senator Fraser said Mr. Calder made a mistake. We all make mistakes. However, if it is the minister's mistake that he entered into such an agreement, I say to honourable senators that he should be held in contempt of the Senate for his dismissive view of its role. The dimension of contempt of Parliament is such that the house should not be constrained in finding a breach of privileges of members or of the house. This is precisely the reason that, while our privileges are defined, contempt of the house has no limits.

Erskine May, *Parliamentary Practice*, twenty-first edition, at page 115, states that an offence for contempt:

...may be treated as a contempt even though there is no precedent of the offence. It is therefore impossible to list every act which might be considered to amount to a contempt, the power to punish for such an offence being of its nature discretionary.

• (1530)

I cite Joseph Maingot's *Parliamentary Privileges in Canada*, second edition, at page 225:

While privilege may be codified, contempt may not...there is no closed list of classes of offences punishable as contempt of Parliament.

I rest my case. I am hopeful that the decision Your Honour reaches will be based solely on the institution. If the past is any indication, I am sure that will be the case.

The Hon. the Speaker: I would like to thank all honourable senators who have intervened in the matter of the question of privilege that is before this house.

As honourable senators know, rule 43(12) of the *Rules of the Senate of Canada* provides as follows:

The Speaker shall determine whether a *prima facie* case of privilege has been made out. In making a ruling, the Speaker shall state the reasons for that ruling, together with references to any rule or other written authority relevant to the case.

We have developed a substantial record. A number of authorities have been quoted; as well, there are, perhaps, others that should be considered. Therefore, I shall take the matter under consideration and return to with a ruling to the Senate as soon as I can.

Having said that, I should advise honourable senators that I am not here tomorrow due to a commitment in my home province. However, the Speaker *pro tempore* will be in the Chair.

IMPACT OF CORPORATE GOVERNANCE IN CANADA

INQUIRY—DEBATE ADJOURNED

Hon. Jim Tunney: Honourable senators, like other nations, Canada has had its share of corporate failures and scandals. Often these situations highlight corporate practices that can have a negative impact on shareholders and other stakeholders such as employees, customers, suppliers, creditors and communities.

Recently, dramatic reductions in share value and bankruptcies in the technology sector, as well as several high-profile corporate collapses, have raised the question about the actions of corporate management, boards of directors, and auditors. Corporate governance, corporate social accountability, director's duties, board independence and the role of audit committees are issues of serious concern to me and, in my view, should be so to all Canadians. These issues have been at the forefront of a number of Canadian reports on corporate governance and have also received considerable attention as a result of the Enron collapse in the U.S.

One of my prime areas of concern is the given trends we see where, in some cases, share values have decreased by as much as 94 per cent, resulting in the reluctance of private investors to participate in ownership.

We know that stock options are often used to compensate corporate management, directors and employees. Stock options can be an important incentive to achieve long-term growth; they can also serve as a form of compensation for employees of small companies that cannot afford to pay high salaries. Increasingly, however, stock options are being awarded to corporate executives when arguably their use is unwarranted.

The Ontario Teachers' Pension Plan Board has been an extremely vocal opponent of the excessive use of stock options. In its capacity as an institutional investor, it has voted again many stock options plans. The board has established standards for these plans, and only under certain restrictions does its corporate governance and proxy-voting guidelines provide that it will support stock options.

Honourable senators, how stock options are accounted for in the financial statements of companies is another of my concerns. Because stock options are not treated as an expense, corporate profits are overstated and retail investors, in particular, have a false impression of a company's profitability.

U.S. Federal Reserve Board Chairman Alan Greenspan has called for an expensing of stock options. In Canada, institutional investors such as the Ontario Teachers' Pension Plan Board have urged companies to do the same.

Interestingly, early last month, the Toronto-Dominion Bank became the first large Canadian corporation to state that it will treat stock options as an expense.

As an example of the impact that would have on Canadian corporations, Barrick Gold would see its annual 2001 profits cut from a reported U.S. \$96 million to U.S. \$65 million, whereas Alcan's loss would increase from U.S. \$54 million to U.S. \$59 million. JDS Uniphase's 2001 staggering U.S. \$56.1 billion would swell to U.S. \$56.6 billion.

Enforcement of illegal insider trading activity is an ongoing issue in Canada. Misuse of confidential information about a company, as we know, can have a material impact on the value of the company's securities. Insider trading, per se, is not illegal: Insiders are allowed to trade securities of companies in which they are insiders. What is illegal is insider trading based on material, non-public information. Very few jail terms have been meted out.

In my view, penalty of a monetary fine is no penalty at all. There needs to be a strengthening of enforcement associated with violations of insider trading rules. There must be both a monetary penalties and maximum jail terms. A simple slap on the wrist will no longer do, nor should it be tolerated. Why not impose trading and/or directorship suspensions?

Another suggestion for improving enforcement is the creation of a national securities regulator. Currently, Canada has 13 securities regulators and 13 different sets of regulations, although by virtue of the concentration of business and the presence of the Toronto Stock Exchange, the Ontario Securities Commission is the principal regulator. Harmonization is underway in many provinces, but calls for a Canadian regulator continue to come from various quarters.

When one company acquires another, the purchasing company will sometimes issue shares to pay for the transaction. These new shares dilute the holdings of existing investors.

Honourable senators, consider Nortel. In a recent speech, Claude Lamoureux, Chairman and CEO of the Ontario Teachers' Pension Plan Board, said:

...in the 1990s Nortel went on buying binges, acquiring future revenue at ever-rising prices with the new and highly inflated currency of the day — their own shares. The

number of shares exploded by 50 per cent to 3.2 billion shares between 1998 and 2001. During the same period Nortel reported 14 per cent sales growth over those four years. However on a per share basis that was a decline of 26 per cent, thus diluting their holdings and depressing the value of their shares.

• (1540)

After the latest of Nortel's massive job cuts, once the dust settles the company will have approximately 42,000 employees, down 56,500, or 57 per cent, from the 98,500 it had at the start of 2001. That is indeed a very sad reality for those employees facing downsizing.

I have some very current information, too late for inclusion in my report. As recently as yesterday, Nortel stock dropped to an all-time 13-year low. The shares have now lost 97.8 per cent of their value since their all-time high of \$124.10 on July 26, 2001. As of yesterday, the price of shares dropped 47 cents to \$2.67 on the TSE, the stock's lowest point since it was valued at a split-adjusted \$2.75 on July 11, 1989.

Consider this, honourable senators: at one time, the CEO made a statement, a boast, that he was now in a position to buy one company every day. I am sure all honourable senators are aware of a venerable Canadian telephone icon that has suffered spectacular financial losses from such transactions. As examples, corporate buy-outs of companies that were totally unrelated to the core business have proven to be a disaster: the acquisition of a national TV network, a cash deal at \$2.3 billion and a Canadian national newspaper, both of which are bleeding ongoing financial losses, and we must not exclude the \$7.4 billion investment in an international phone company that is now worthless.

Board independence from management is a key corporate governance issue. Boards should, and must, control management and not vice versa. The Toronto Stock Exchange corporate governance guidelines stress that every board should have the necessary procedures and structures to ensure that it can function independently of management. However, as an example, both the perception and reality demonstrated by the Enron case clearly illustrates that board members did not ask the difficult questions.

One reason for board inaction is that directors are often chosen from a group of persons selected by the CEO. Consequently, there is no inducement for them to take management to task. Another reason is that they receive stock options as part of their compensation package. Their financial fortunes are tied to corporate profitability.

The final report of the joint committee on corporate governance outlined core responsibilities for corporate boards, with an emphasis that boards must have the capacity, independent of management, to fulfil their own responsibilities.

I believe that corporations should strive to be more socially responsible. A recent poll released by the Certified General Accountants' Association of Canada states that almost half of Canadians believe a corporate scandal, such as the beleaguered Enron is facing, could happen in Canada. It is a fact that, in

Canada alone, corporate governance has been explored in at least four reports over the last eight years, and the disease, which has been loosely referred to as the "mad cow disease of the corporate world," that continues to sweep a course across our landscape, including the mounting greed of CEOs, is the rewarding for failure and non-performance of those individuals.

I believe we should be investigating corporate governance. We should be considering the creation of a national securities regulator position. We should consider amending the Canadian Business Corporations Act to place limits on management authority, compensation and stock options, and limit directors' terms. Finally, we should review the appropriateness and fairness of using stock options.

Honourable senators, you know very well that I will not be here in this place when I hope that this matter is dealt with. What I will do, however, is give you all a little "heads-up." I have talked to several senators, friends of mine, in particular those who, I find, have an interest and whom I can trust, and I will be leaving here with the hope that some, and perhaps many, of you will follow on

with this inquiry. I will promise honourable senators this: From my farm or wherever I happen to be, I will be paying some attention to this matter, just because of the concern that I have, and I have mentioned that in this report.

Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, I should advise that Senator Tunney's time has expired.

Hon. Joseph A. Day: Honourable senators, in adjourning the debate, I would like to thank Senator Tunney for bringing this important issue to the attention of this chamber by way of an inquiry, and to compliment him on his speech and the many issues he has canvassed therein, which require some elaboration. At this stage, I would like to adjourn the debate.

On motion of senator day Senator Day, debate adjourned.

The Senate adjourned until Thursday, June 6, 2002, at 1:30 p.m.

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OFFICIAL REPORT
(HANSARD)

Thursday, June 6, 2002

THE HONOURABLE ROSE-MARIE LOSIER-COOL
SPEAKER *PRO TEMPORE*



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Thursday, June 6, 2002

[Translation]

The Senate met at 1:30 p.m., the Speaker *pro tempore* in the Chair.

Prayers.

SENATORS' STATEMENTS

RADIO-CANADA

LOSS OF RIGHTS TO *LA SOIRÉE DU HOCKEY*

Hon. Jean-Robert Gauthier: Honourable senators, for 50 years Radio-Canada has broadcast hockey games on Saturday nights. *La Soirée du hockey* is a tradition. The recent announcement by Radio-Canada that it would no longer be broadcasting the hockey games will disappoint thousands of fans.

Negotiations with the Montreal Canadiens team owners failed. Robert Rabinovitch, President of Société Radio-Canada, explained to the Standing Joint Committee on Official Languages the reasons behind the failure: new demands by the Canadiens hockey team owners and National Hockey League directors; the lack of sensitivity of the Canadiens team owners, who are Americans; the impossibility of an agreement with owners for broadcast rights on Réseau des Sports (RDS), owned by Globe Media.

In the future, viewers will need to have a cable or satellite subscription to watch a Canadiens game. The Réseau des Sports (RDS) will be the sole broadcaster for all games in French. Twenty-five percent of Montrealers and 20 per cent of Quebecers are not cable subscribers. A large number of television viewers outside of Quebec, who are Francophone and live in rural areas, will no longer receive a television signal through their famous rabbit ear antennas.

I am one of those old hockey fans who are non-subscribers but who were in the habit of watching the game from home or from the local tavern on Saturday. It was virtually considered the "Saturday night mass" for many French-speaking Canadians. It was something that had to be seen. These people will complain, rest assured!

On June 4, Robert Rabinovitch came before the Standing Joint Committee on Official Languages to explain why negotiations with the owners of the Montreal Canadiens hockey club had failed. Talks between the SRC and RDS, which got the rights, are currently at a dead end. The English radio and television networks of the CBC will broadcast Saturday night's hockey games in English. The French language program on Radio-Canada, *La Soirée du hockey*, is a long-standing tradition that will disappear.

In a letter that I recently wrote to the President of Société Radio-Canada, I suggested that he use the second audio program channel technology, which allows changes to the sound track. This technology exists for television sets that are less than 10 years

old. This would allow Radio-Canada to broadcast *La Soirée du hockey* with a video and two sound tracks. The Cable Public Affairs Channel does this on a regular basis, here in Parliament.

Why would Radio-Canada not present other sports activities, and even cultural programs, with a choice of two sound tracks for its viewers? This would be Canadian duality at its best: a visual message that is available in both of Canada's official languages.

I should also point out, of course, that real time captioning of these television programs would allow some three million Canadians to read on their television screen what they cannot hear. Again, this would be a step in the right direction toward equality for the country's two official languages.

FIFTY-EIGHTH ANNIVERSARY OF D-DAY

Hon. Michael A. Meighen: Honourable senators, today we celebrate the 58th anniversary of D-Day, which was a historic event for Canada and the whole world.

[English]

On June 6, 1944, the battle for Normandy had only just begun. The campaign would last over two months, but for the soldiers engaged in that unforgiving battle, it must have seemed like an eternity — and for many it was. More than 5,000 Canadian soldiers lost their lives and countless more were killed or injured in a war that would go on for another year. At 7:55 a.m., 58 years ago today, Germany's fate was sealed.

We should remember today the ingredients that sealed that fate: a well-trained, well-equipped and clearly combat capable Allied force — a force in which every arm of the Canadian military played a vital role. One hundred and nine Canadian naval vessels took part in the invasion.

[Translation]

The Royal Canadian Air Force was involved in the 171 squadrons that attacked and destroyed enemy columns until the end of the campaign.

[English]

The Canadian Army's Third Division led the assault on Juno Beach and suffered more casualties than any of General Montgomery's other army groups.

Honourable senators, I do not wish to sound alarmist, but it is still a very dangerous world in which we live. That is the reality. Let me suggest that the best way to honour those brave Canadians would be to provide to those to whom they have passed the torch the wherewithal to acquit themselves in battle as well as their forebearers.

• (1340)

Today, the number of D-day veterans is dwindling to a precious few to whom we owe a sacred duty — a duty not only to remember them and their sacrifices, but also to take care of them.

That duty very much includes our Aboriginal veterans, who served as bravely as any Canadian but who, after the war, were provided with substandard benefit packages. The Minister of Veterans Affairs has called this a priority issue, but he has not yet committed to a timetable.

Honourable senators, now is the time to right that wrong, not at some future date. This is particularly so when one remembers that we have a rather poor record in sticking to timetables. In December 1999, the government committed itself to a common standard of health care for veterans by June 2000, a standard at provincial hospitals at least equal to that at Ste-Anne's, now the only federally run hospital. That deadline was pushed to the end of March 2002, but it, too, came and went. Now we have a three-year plan to meet certain national norms. Let us hope that this latest deadline is indeed met. More delay is something we cannot continue to tolerate, not when it comes to our veterans.

JUDY FELD CARR

CONGRATULATIONS ON RECEIVING THE FIRST SIMON WIESENTHAL AWARD FOR TOLERANCE, JUSTICE AND HUMAN RIGHTS

Hon. Consiglio Di Nino: Honourable senators, last evening, the first Simon Wiesenthal Award for Tolerance, Justice and Human Rights was given to a truly remarkable Canadian. Her name is Judy Feld Carr. She was honoured for her dedication and commitment to the cause of Syria's Jewish community.

Since the creation of Israel in 1948, Syrian Jews have faced a continuous campaign of persecution and intimidation. Unfortunately, the world has taken little notice of this ongoing tragedy. However, Judy Feld Carr did and 30 years ago she decided to do something about it.

Last night, at the Toronto Centre for the Arts, an overflowing crowd sat and listened in awe to the incredible story of this courageous, brave and caring woman. It is a highly unlikely story at that.

Judy Feld Carr was born in Montreal and raised in Sudbury. Her interests centred on music and her family. In 1972, she read a news account of 12 young Syrian Jewish boys who had been killed trying to escape from that country.

Over the next three decades, this quiet, unassuming housewife and music teacher, together with a small group of equally dedicated men and women, set out to help the Jewish community in Syria. There were secret trips to Syria and clandestine meetings with corrupt officials. They raised bribery money, got involved in people-smuggling, and even purchased the freedom of threatened families. As she said last night, "They put these people up for sale like cattle, and I bought them."

It was a life of extraordinary risk combined with humanitarian dedication. In all, Judy Feld Carr and those who helped her smuggled over 3,200 Jews out of Syria to freedom elsewhere.

Honourable senators, Judy Feld Carr's courage and determination are an inspiration to all Canadians and, indeed, to the whole world. Her achievements serve as a beacon to the millions of people today who live and suffer under oppressive regimes. They send a strong message that in a world where violence against minorities is, unfortunately, all too commonplace, there are still people ready and willing to help, even at great risk to themselves.

I am sure, honourable senators, I speak for all of us here today in extending to Judy Feld Carr our thanks, admiration and congratulations.

ROUTINE PROCEEDINGS

ESTIMATES, 2002-03

SECOND INTERIM REPORT OF NATIONAL FINANCE COMMITTEE PRESENTED

Hon. Lowell Murray, Chairman of the Standing Senate Committee on National Finance, presented the following report:

Thursday, June 6, 2002

The Standing Senate Committee on National Finance has the honour to present its

SIXTEENTH REPORT

Your Committee, to which were referred the 2002-2003 Estimates, has in obedience to the Order of Reference of March 6, 2002, examined the said estimates and herewith presents its second interim report.

Respectfully submitted,

LOWELL MURRAY
Chairman

(For text of report, see today's Journals of the Senate, Appendix "A", p. 1688.)

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Murray, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

THIRD INTERIM REPORT OF NATIONAL FINANCE COMMITTEE PRESENTED

Hon. Lowell Murray: Honourable senators, I have the honour to table the seventeenth report of the Standing Senate Committee on National Finance, the third interim report of the committee on the 2002-03 Estimates, specifically on Treasury Board Vote 5.

Thursday, June 6, 2002

The Standing Senate Committee on National Finance has the honour to present its

SEVENTEENTH REPORT

Your Committee, to which were referred the 2002-2003 Estimates, has in obedience to the Order of Reference of March 6, 2002, examined the said estimates, more specifically, the Government Contingencies Vote — Treasury Board Vote 5 and herewith presents its third interim report.

Respectfully submitted,

LOWELL MURRAY
Chairman

(For text of report, see today's Journals of the Senate, Appendix "B", p. 1692.)

The Hon. the Speaker pro tempore: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Murray, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

BILL ON ACCESSION TO WORLD TRADE ORGANIZATION AGREEMENT BY PEOPLE'S REPUBLIC OF CHINA

REPORT OF COMMITTEE

Hon. Peter A. Stollery, Chair of the Standing Senate Committee on Foreign Affairs, presented the following report:

Thursday, June 6, 2002

The Standing Senate Committee on Foreign Affairs has the honour to present its

FIFTEENTH REPORT

Your Committee, to which was referred Bill C-50, An Act to amend certain Acts as a result of the accession of the People's Republic of China to the Agreement Establishing the World Trade Organization, has examined the said Bill in obedience to its Order of Reference dated Thursday, May 9, 2002, and now reports the same without amendment.

Respectfully submitted,

PETER A. STOLLERY
Chair

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the third time?

On motion of Senator Stollery, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

BILL TO AMEND CERTAIN ACTS AND INSTRUMENTS AND TO REPEAL THE FISHERIES PRICES SUPPORT ACT

REPORT OF COMMITTEE

Hon. Lorna Milne, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, June 6, 2002

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

NINETEENTH REPORT

Your Committee, to which was referred Bill C-43, An Act to amend certain acts and instruments and to repeal the Fisheries Prices Support Act, has, in obedience to the Order of Reference of Thursday, April 25, 2002, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

LORNA MILNE
Chair

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the third time?

On motion of Senator Day, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

NUCLEAR FUEL WASTE BILL

REPORT OF COMMITTEE

Hon. Nicholas W. Taylor, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, June 6, 2002

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

FOURTEENTH REPORT

Your Committee, to which was referred Bill C-27, An Act respecting the long-term management of Nuclear fuel waste, has, in obedience to the Order of Reference of Wednesday, March 20, 2002, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

NICHOLAS W. TAYLOR
Chair

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the third time?

On motion of Senator Taylor, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

• (1350)

STUDY ON NUCLEAR REACTOR SAFETY

REPORT OF ENERGY, THE ENVIRONMENT
AND NATURAL RESOURCES COMMITTEE TABLED

Hon. Nicholas W. Taylor: Honourable senators, I have the honour to table the fifteenth report of the Standing Senate Committee on Energy, the Environment and Natural Resources, which deals with its study on nuclear reactor safety.

EXCISE BILL, 2001

REPORT OF COMMITTEE

Hon. David Tkachuk, Deputy Chairman of the Standing Senate Committee on Banking, Trade and Commerce, for Senator Kolber, presented the following report:

Thursday, June 6, 2002

The Standing Senate Committee on Banking Trade and Commerce has the honour to present its

SEVENTEENTH REPORT

Your Committee, to which was referred Bill C-47, An Act respecting the taxation of spirits, wine and tobacco and the treatment of ships' stores, has, in obedience to the Order of Reference of Thursday, May 30, 2002, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

E. LEO KOLBER
Chairman

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

On motion of Senator Robichaud, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

NATIONAL CAPITAL ACT

BILL TO AMEND—FIRST READING

Hon. Noël A. Kinsella (Deputy Leader of the Opposition) presented Bill S-44, to amend the National Capital Act.

Bill read first time.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the second time?

On motion of Senator Kinsella, bill placed on the Orders of the Day for second reading two days hence.

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING
SITTING OF THE SENATE

Hon. Peter A. Stollery: Honourable senators, with leave of the Senate, and after discussions with both sides, I move:

That the Standing Senate Committee on Foreign Affairs have the power to sit at 5:00 p.m., Tuesday, June 11, 2002, even though the Senate may then be sitting and that rule 95(4) be suspended in relation thereto.

By way of explanation, honourable senators, Minister Pettigrew is scheduled to appear before the committee that afternoon.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Marcel Prud'homme: The distinguished chairman said, "after consultation with both sides." I have said that I am fed up with this expression. I am interested in foreign affairs. A telephone call to myself would have been sufficient. I will grant leave because I want to attend that committee hearing, but there was no consultation.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): This is a motion, and therefore it is open to debate.

Honourable senators, earlier today we received a report from the Standing Senate Committee on Foreign Affairs relating to Bill C-50. It is my understanding that no minister appeared before the committee on that bill. I would argue that we should hold up our consideration of that bill and put it off for a day. If we could deal with report stage on Wednesday, perhaps the minister could reply to questions on Bill C-50 when he appears at the committee meeting on Tuesday and not limit himself to whatever is on the committee's agenda for that day. The minister ought to prepare himself to answer questions in relation to Bill C-50.

Senator Stollery: Honourable senators, I have no particular quarrel with the suggestion put forward by Senator Kinsella. We have a scheduling problem, but I do not think we have a restrictive agenda for the minister. I am sure that committee members would have no problem hearing questions on Bill C-50.

As for the scheduling of the chamber sitting, that is not my department. I personally have no difficulty with the proposition of Senator Kinsella. I can only speak as chairman of the committee; I cannot speak as the Leader of the Government in the Senate, who has the responsibility for the legislative program.

Senator Kinsella: Honourable senators, I thank the Chair of the Foreign Affairs Committee for that response. It is in his authority, as the committee member holding the gavel, to not rule out of order questions concerning Bill C-50, raised by honourable senators at the meeting with the minister.

• (1400)

The Hon. the Speaker *pro tempore*: Is the house ready for the question?

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, orders ought not to be issued as to how a committee will operate. When a minister comes before the committee and the questions are asked, the members present, under the direction of the Chair, will be able to make the necessary decisions.

[English]

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, the argument is this: No minister came before the committee to explain Bill C-50, which is an important bill as part of the implementation procedure regarding China joining the World Trade Organization. We are finding out now that the minister responsible is coming before us after the fact, on Tuesday or Wednesday. I must ask if he will be available to answer questions that should have been asked in committee prior to third reading? I should hope that the answer would be yes, and that this chamber would allow third reading to be postponed until the minister has appeared before the committee. I realize, we are doing things in reverse.

What was even worse was not having a minister appear before the committee. The Senate should insist that on every piece of government legislation, a minister or, in his or her absence for legitimate reasons, a parliamentary secretary, appear before the committee. However, in this case, for whatever reason, neither appeared.

I feel that the Senate should insist that the sponsor of the bill be there, or his or her representative be authorized to do so. In this case, the minister will appear before the committee after the bill has been tabled for third reading. I should hope that, at least, we would postpone the decision on third reading until after the minister's appearance.

Senator Stollery: I cannot speak on the procedures of the chamber. However, in terms of the committee, every senator at the meeting will have an opportunity to put questions to the minister on whatever subject matter they wish and, of course, that is the way we proceed.

Some senators may say there are other issues — softwood lumber, et cetera — about which they wish to ask questions, but as far as I am concerned, if a senator wishes to take the time to talk about Bill C-50, that will not bother me.

I agree with the Leader of the Opposition that ministers or parliamentary secretaries should appear with bills. That is accepted wisdom here. This was a rather unusual case, and I might add that there really was no connection between Bill C-50 and the minister's coming on Tuesday. As honourable senators are aware, we must work at having ministers appear, despite their busy schedules. It just happened that Bill C-50 arrived at the committee this week, and the minister was already coming on other matters next week.

There is no question that the principle enunciated by the Leader of the Opposition is sound, and any member of the opposition who wishes to ask questions about the bill when the minister comes is perfectly free to do so.

The Hon. the Speaker *pro tempore*: Is the house ready for the question?

It was moved by the Honourable Senator Stollery, seconded by the Honourable Senator Morin, that the Foreign Affairs Committee meet on Tuesday, June 11, 2002, at five o'clock, even though the Senate may then be sitting.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

ABORIGINAL PEOPLES

NOTICE OF MOTION TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES AFFECTING URBAN ABORIGINAL YOUTH

Hon. Janis G. Johnson: Honourable senators, I give notice that on Tuesday, June 11, 2002, Senator Chalifoux will move:

That, notwithstanding the order of the Senate adopted on September 27, 2001, the Standing Senate Committee on Aboriginal Peoples, which was authorized to examine and report on issues affecting urban Aboriginal youth, be empowered to present its final report no later than December 19, 2002.

[Translation]

QUESTION PERIOD

THE SENATE

ABSENCE OF LEADER OF THE GOVERNMENT

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, the Leader of the Government in the Senate will not be in attendance today for Question Period. However, if anyone has questions for her, I will note them.

[English]

STUDY ON NUCLEAR REACTOR SAFETY— PROCEDURE ON REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have a question for the Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources.

An Hon. Senator: He is not here.

Senator Kinsella: Perhaps the deputy leader will take my question as notice.

During today's Presentation of Reports from Standing or Special Committees, the Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources tabled a report regarding a study on nuclear reactor safety, but no action was taken on it. Was it the intent to have that report placed on the Order Paper for consideration by the Senate? Perhaps the deputy leader could take note of that. Was it planned just to table that report, as we normally do? The question is put. Does the Senate wish to take it into consideration? I am at a bit of a loss.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I will note the question. However, I believe that, when a report is tabled, it is always a matter for debate. I will look into it.

ABSENCE OF LEADER OF THE GOVERNMENT

Hon. Marcel Prud'homme: Honourable senators, could the Deputy Leader ensure that the Leader of the Government in the Senate is in attendance on the last day of sitting before the summer recess? If she were to be absent, all the answers would have to wait until the fall. Who knows what will happen in the fall?

Some interesting questions will surely be asked in the next few days, and it would be preferable to have the Leader of the Government in attendance so we may have answers before summer recess.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, we do not usually discuss the absence of a member of the Senate in the House. I will, however, take note of the request of Honourable Senator Prud'homme.

Senator Prud'homme: I am familiar enough with the Rules of the Senate to know that a senator's absence is not to be mentioned. However, when the leader is absent and the senators on this or the other side ask questions, Honourable Senator Robichaud is the first to tell us he is noting them. This must therefore apply to everyone.

• (1410)

[English]

ORDERS OF THE DAY

CANADA NATIONAL MARINE CONSERVATION AREAS BILL

THIRD READING—DEBATE ADJOURNED

Hon. Nick G. Sibbeston moved third reading of Bill C-10, respecting the national marine conservation areas of Canada.

He said: Honourable senators, I am pleased to speak at third reading of Bill C-10, respecting the national marine conservation areas of Canada. I wish to commend the Standing Senate Committee on Energy, the Environment and Natural Resources for its exhaustive consideration and review of this bill. I would also like to thank the many witnesses who appeared before the

committee from a variety of interests: environmental groups, Aboriginal organizations and coastal communities.

Three key issues were raised: the non-derogation clause, duplication among federal programs, and consultation with coastal communities in the establishment of national marine conservation areas. I will respond to these issues during the course of my remarks.

For over 100 years, Canadians and their governments have built a world-renowned system of national parks. This Parliament now has the opportunity to set the stage for building a system of national marine conservation areas, which is what this bill is all about. The long-term goal is to represent each of Canada's 29 marine regions in a national system of marine conservation areas, much as we will establish a national park in each of the 39 natural terrestrial regions of Canada. Each national marine conservation area, like national parks, should be an outstanding sample of the region it represents.

There is an assumption that national marine conservation areas will simply be national parks on the water. This is not so. In national parks, maintenance of ecological integrity is the first priority when considering park zoning and visitor use. Parks are managed in such a way that they will remain essentially unaltered by human activity. National marine conservation areas, on the other hand, are designed to be models of sustainable use, and the approach to management is one that balances protection and use. As a result, we need legislation tailored to national marine conservation areas.

I will take this opportunity to give members a quick overview of the legislation, indicating how it is designed to manage protected areas in a complex world that is our marine environment.

Honourable senators, Bill C-10 establishes the legal and regulatory framework for creating and managing national marine conservation areas. It does not, of itself, create any specific areas but rather it provides a mechanism for formally establishing national marine conservation areas under the act.

A national marine conservation area is formally established when its land description is added to a schedule of the act. This brings those lands under the formal protection of the legislation. Bill C-10 sets out an Order in Council process for the establishment in law of national marine conservation areas. While the Order in Council process will speed up the scheduling of new areas, I want to assure honourable senators that the supremacy of Parliament remains. This bill requires that proposals to establish new national marine conservation areas must be tabled in both Houses, and must be referred to the appropriate standing committees for their consideration. Should either House reject the establishment of the new area, the Order in Council would not proceed.

Honourable senators, as in the case of our national parks, Bill C-10 requires federal ownership of all lands to be included in a national marine conservation area, both above and below the water. This ensures that the Minister of Canadian Heritage will administer and control these areas. If a province owns all or part of the seabed in an area where Parks Canada proposes to establish a national marine conservation area, the province would have to agree to the use of those lands for that purpose. A federal-provincial agreement would be required to transfer ownership to the federal government. Without such an agreement, the proposed

national marine conservation area could not proceed, and for greater certainty, this requirement is specified in the legislation. In marine areas where there is contested federal-provincial jurisdiction, I should like to assure the house that the federal government has no intention of acting unilaterally. There will always be consultation with the province concerned, with a view to finding a mutually satisfactory resolution.

Witnesses before the committees of both Houses raised concerns that local communities would not be sufficiently involved in the establishment of national marine conservation areas. I want to emphasize that there is a clear requirement for public consultation on the establishment of any national marine conservation area, with particular emphasis given to affected coastal communities. The nature of these consultations is set out in Parks Canada's policy. The steps required to establish a national marine conservation area can take years to complete. The feasibility studies that have already been launched by Parks Canada illustrate this policy in action. I wish to emphasize that if there is no public support for the creation of a national marine conservation area in a given location, then the proposal would not be brought forward to Parliament. In that event, Parks Canada would look to another area with which to represent the marine region.

When the government decides to take the final step and formally establish a national marine conservation area, Parliament will have an opportunity to examine the proposal in detail in order to satisfy itself that there is community support. This element was provided for in clause 7 of the bill. Indeed, Bill C-10 requires that, for each proposal, information on the consultation undertaken include a list of the names of the organizations and persons consulted, the dates of the consultation, and a summary of their comments in the report that the minister would table before Parliament. Bill C-10 also calls for active stakeholder participation in the formulation, review and implementation of management plans. Again, the legislation provides for accountability to Parliament through the tabling of management plans for each marine conservation area.

Honourable senators, I believe Bill C-10 provides coastal communities with the assurances they need with regard to consultation.

Before an area is established, coastal communities need certainty with respect to how the area will be managed. Therefore, when a new proposal comes before Parliament, it will include an interim management plan. Management advisory committees will also be created for each marine conservation area to ensure that consultation with local stakeholders continues. The management plan for each area must be reviewed at least every five years. Thus, the government will take a "learn-by-doing" approach for every national marine conservation area. Continuing consultation within each marine conservation area will allow Parks Canada staff to learn from local people by drawing on the traditional ecological knowledge of coastal communities and Aboriginal peoples. Parks Canada has taken a partnership approach in the management of this program, which is clearly reflected in the bill. Other ministers have statutory responsibilities that affect the management of national marine conservation areas, and Bill C-10 has been carefully drafted to take this fact into account.

Honourable senators, I now wish to address how Bill C-10 reflects this government's commitment to working with Aboriginal peoples. The legislation includes provisions to establish "reserves" for national marine conservation areas. These are established when an area, or a portion of an area, is subject to a claim in respect of Aboriginal rights that has been accepted for negotiation by the Government of Canada. Reserves are managed as if they were national marine conservation areas, but without prejudice to the settlement of the claim.

A non-derogation clause regarding Aboriginal and treaty rights is also included in the bill. The intention of a non-derogation clause is simply to remind those charged with the implementation of legislation that they must respect the rights guaranteed to Aboriginal peoples under the Constitution. The wording of the non-derogation clause in Bill C-10 reflects this intent. It is a flag or a reminder, nothing more and nothing less.

• (1420)

However, a number of honourable senators have noted that the wording of non-derogation clauses appearing in legislation has changed over time, and they have raised concerns about the different formulations. Honourable senators have expressed concerns that the protection afforded Aboriginal and treaty rights could in some way be lessened by the more recent formulations of the non-derogation clause.

Several honourable senators wrote to the Minister of Justice to convey concerns. I am pleased to say that Minister Cauchon has responded. He has indicated that he will look into the situation with a view to obtaining clarity and consistency in the interpretation of Aboriginal constitutional guarantees. He also welcomes the views of honourable senators on this issue.

There is a specific requirement in the legislation to consult with Aboriginal organizations and governments, and bodies established under land claims agreements. The legislation also explicitly recognizes traditional Aboriginal ecological knowledge in carrying out research and monitoring studies in national marine conservation areas.

Honourable senators, certain activities are prohibited throughout all national marine conservation areas. The most important prohibition concerns non-renewable resources, specifically, minerals, oil and gas. Marine conservation areas are managed for sustainable use and, by definition, extraction of non-renewal resources is not sustainable.

Other activities would be regulated through zoning. I would emphasize the importance of zoning as a powerful and flexible tool for managing use within the marine conservation areas. In each national marine conservation area, there will be multiple-use zones where ecologically sustainable uses are encouraged, including fishing. There will also be zones where special protection is afforded, for example, critical spawning grounds, cultural sites, whale calving areas and scientific research sites. These would be protected zones where resource use, such as fishing, is not permitted. Each area will contain two types of zones. At the same time, enough flexibility is left in the bill to ensure that each area can have a zoning plan appropriate to its individual situation.

Parks Canada will identify the location of protection zones and surrounding multiple-use zones for each proposed marine conservation area during the feasibility study of that area, with full consultation with local stakeholders.

Federal legislation, such as the Fisheries Act and the Canada Shipping Act, is already being used to manage activities in the marine environment. These statutes were not intended to cover the special requirements of national marine conservation areas. Thus, Bill C-10 includes a number of regulation-making authorities that would deal with those special requirements. For example, the bill includes authorities to make regulations for the protection of cultural resources, visitor safety, the establishment of zones, control of activities within those zones, and control of aircraft over-flights that pose a threat to wildlife.

The bill includes checks and balances on the substance of the regulations that may be made under this act. Specifically, any regulations that have an impact on the jurisdiction of the Minister of Fisheries and Oceans or the Minister of Transport must be made on the recommendation of both the Minister of Canadian Heritage and the affected minister.

Honourable senators, concerns have been raised that the national marine conservation area program is simply a duplication of existing marine protected area programs. That is not so. Parks Canada's national marine conservation areas are part of a larger commitment of this government to establish a network of protected areas in Canada's oceans. Just as a variety of tools allows for a diverse protected areas network on land such as national parks, provincial parks, national wildlife areas and migratory bird sanctuaries, a similar suite of tools is necessary to satisfy the wide range of needs and purposes within our complex marine environment.

While the Oceans Act provides the Minister of Fisheries and Oceans with a leadership role for coordinating the development and implementation of a national system of marine protected areas, the responsibility for establishing this system is shared among three federal agencies with mandated responsibilities to establish and create marine protected areas: Parks Canada, Environment Canada and Fisheries and Oceans. The result is a family of complementary programs contributing to a broader, comprehensive system of marine protected areas that will conserve and protect Canada's natural and cultural marine resources.

Within this family, the Minister of Fisheries and Oceans establishes marine protected areas to protect and conserve critical fish and marine mammal habitat, endangered marine species, unique features and areas of high biological productivity or biodiversity.

The Minister of the Environment establishes national and marine wildlife areas to protect critical sea bird habitats. The Minister of Canadian Heritage oversees Parks Canada's program, which serves a much broader objective. It is the only one of the three programs that recognizes the role that Canada's oceans and Great Lakes have played in defining the country's economy, culture and identity. This is a heritage conservation program, one ideally suited to the mandate of the Heritage Canada portfolio.

In conclusion, I would reiterate that Bill C-10 is framework legislation. It provides the tools needed to create national marine conservation areas and to manage each one in the way

appropriate to its unique characteristics. I believe we have struck the right balance between protection and sustainable use. Very few activities are completely prohibited, but tools are available to ensure that the structure and functions of each area's ecosystems are not compromised.

Canada needs this legislation so that outstanding examples of our country's natural and cultural marine heritage can be provided with long-term protection, so that all Canadians can learn more about and experience a shared heritage.

Honourable senators, I urge you to pass Bill C-10 without delay.

Hon. Gerald J. Comeau: May I ask a question?

The Hon. the Speaker *pro tempore*: Senator Sibbeston, will you answer questions?

Senator Sibbeston: Yes.

Senator Comeau: Would the senator advise whether the superintendent of the marine conservation area will be the official who will issue and/or rescind fishing licences under the plans of those areas?

Senator Sibbeston: Honourable senators, I am not certain, but there is a provision for officials to be responsible for managing and enforcing the regulations. In this system, Parks Canada officials and any persons appointed by the minister responsible for this act would appoint officials. Any of those would be able to enforce the regulations and the provisions under this act.

Senator Comeau: It appears that the superintendent who will be appointed by the Parks Canada Agency will be involved in the distribution and/or the rescinding of licences. Is the honourable senator aware of the long history of problems which have been caused, and which, in the past few years, seem to have been solved somewhat, by having only one ministry deal with the licensing of fisheries? It can be subject to abuse. The impression I had was that this would be the responsibility of the superintendent of parks.

• (1430)

The second question is: Why was the proposed management advisory committee set up so that it would be composed of ministerial appointees rather than representatives of the coastal communities most impacted by the marine conservation area plans? I would suggest that the communities that would be most impacted might be willing to support this legislation if they had representatives sitting on that committee on their behalf rather than ministerial designates.

Senator Sibbeston: Honourable senators, clause 11 deals with the minister having to establish a management advisory committee. In subclause 3 of that provision, the minister is mandated to consult with relevant federal-provincial ministers and agencies and affected coastal communities and Aboriginal peoples — basically everyone who is to be affected by the process of the federal government wanting to establish a conservation area. It appears to me that there is provision for the minister consulting widely and eventually appointing an advisory board that would be useful and effective.

Senator Comeau: I do not think the honourable senator heard my question. The bill states that the management advisory committee is to be appointed by the minister. It is not a question of consultation. Why did the minister not consider appointing representatives of coastal communities, who have — and honourable senators will hear this in committee — expressed concerns about this bill? Certain activities are prohibited in the legislation. Certain activities can never be done in their own backyard. Has consideration been given to appointing representatives of those coastal communities to sit on the management advisory committee?

My last question relates to the fact that there are still witnesses who wish to appear before the committee. The committee will probably hear from others on this subject. Why the rush? If it will take years to have park areas designated, why the rush, preventing people from appearing and the committee from actually doing a full good job of consultation. The honourable senator spoke at length about how much consultation there would be, yet there is a push to rush the legislation through without hearing the views of all the people who wished to appear before the committee.

Senator Sibbeston: Honourable senators, I am only familiar with the process provided for in the act that allows the minister to consult and to explain decisions as to whom he places on the committee. There is no direct option for committees to be appointed; everything goes through the minister. That is the system of government that we have in the country. Ministers are ultimately responsible for matters such as this.

As to the consultation process, I do not have a tremendous amount of experience with respect to committees. However, I felt this bill had very exhaustive consultation. The committee dealt with Bill C-10 for weeks on end and, as much as possible, heard from people who wished to appear before the committee. I appreciate that there may still be communities or groups wanting to testify, but I felt the committee gave the matter exhaustive consideration. Although we did not hear absolutely everyone who may have wanted to appear, I think the committee did a good job of hearing from as many people as possible.

Hon. Pat Carney: Honourable senators, I should like to intervene on third reading of Bill C-10 to follow up on some of the points raised thus far.

This bill impacts the B.C. coast in a number of serious ways. Some of the 29 proposed marine parks created by Bill C-10 will be along the B.C. coast. I am here to tell honourable senators that many communities that wanted to participate and learn what this bill contained have not had a chance to do so and have been shut out of the process.

British Columbia has only six senators, and it is not possible for us to staff all Senate committees. I started receiving concerns about this bill back in August 2001. By February, I had sent to the committee chairman and the committee clerk requests from communities on the north coast of B.C. to be heard on this bill. Subsequently, we were gratified to find that, through video conferencing, about seven communities on the north coast — the Queen Charlotte area, the Prince Rupert area, the Kitimat-Stikine area, even Smithers in the interior — were able to participate in Senate committee hearings through a medical facility in the Skeena Valley. Apparently, that was considered to be sufficient by the committee.

There are 25,000 kilometres of coastline. By the time details of this legislation circulated in British Columbia and more concerns were heard, we provided other names to the committee. We were assured by the committee clerk that other British Columbia coastal communities would be heard. As recently as June this week, having been told that more British Columbia communities would be heard, we sent a letter to the committee saying that the Southern Gulf Islands — that is, the string of islands from the mid-coast down to the U.S. border — had not been consulted and knew nothing about the legislation.

I had representation from my own island and neighbouring islands to ask that some details of this bill be made available to them, particularly because the Southern Gulf Islands are the site of a proposed Pacific Marine Heritage Legacy Park on land. They want to know if huge tracts of land — 60 per cent of my island — will be in a park and adjacent waters will be in a park. One cannot do anything in a park if one is properly obeying the regulations. They want to have knowledge of what was proposed and what opportunities would be open to them. I know Senator Banks was involved in some of these discussions.

Honourable senators, the reply I received from Senator Taylor was simply that these groups could not be heard and that clause-by-clause consideration of the bill would go ahead. I proposed a teleconference from the Vancouver site that the Senate uses. The reason given was that, to quote his note, "The committee did not feel that there would be much difference between the Gulf Islands and other places we had interviewed." Of course, the difference is thousands and thousands of kilometres. One cannot say that the north coast is similar to conditions on islands around the U.S. border. Senator Taylor also said there were 1,500 islands — this comment is in the transcripts of the committee — and that they certainly could not all be heard from. That was not the suggestion. The suggestion was to hear from some of the islanders and some of the coastal communities, including the Coastal Community Network, which represents all of the communities, the band councils and the regional districts that did not participate. Although they are the network for the coast, they were refused a chance to participate.

Honourable senators, most communities do not know what is in this bill. Even on my own island, last Saturday I went to a meeting on a proposed rockfish closure that was being imposed. A ling cod closure was imposed, and they had never heard of Bill C-10.

Honourable senators, I want it as a matter of record that despite the elaborate discussions that Senator Sibbeston has put forward, most of the coast, except possibly those seven communities on the north coast do not know about this bill, do not know how it will impact them and are upset that they will not have a chance to put their concerns on the record.

In the committee transcript, Senator Taylor said, in closing, that he was prepared to deal with the slings and arrows of Senator Carney upon his return, which I accept graciously. They are not the only slings and arrows that I have endured.

• (1440)

The honourable senator has family on Saltspring Island. If I were him, I would stay out of the Southern Gulf Islands for the foreseeable future because the people there are not happy with being shut out of the process. They are fed up with hearing through the grapevine, or through DFO officials, about activities

in their surroundings affecting them. This area has been deeply impacted by softwood lumber closures because of the ineptitude of the Liberal Party and deeply affected by fisheries closures through the ineptitude of this same Liberal Party. The people would like to have some say in what this bill holds for their future. It is shameful to shut out the Southern Gulf Islands.

Senator Tkachuk: I notice that Senator Taylor is not here.

Hon. Tommy Banks: Honourable senators, I thank the honourable senator for her statements.

I am the sponsor of this bill, and I do not need to add anything to what Senator Sibbeston said today in his excellent speech. I wish to make a couple of things clear that perhaps are not clear to all honourable senators.

We must remember what this legislation is and what it does. This is framework legislation; this is enabling legislation —

Senator Carney: Shame!

Senator Banks: This legislation does not establish a single marine conservation area. It sets out the means by which, if there is to be a marine conservation area, it would be established.

The constituents of whom the honourable senator spoke may be in an area which may be proposed as a marine conservation area at some future time. If a marine conservation area were to be proposed, they would find that there would be a consultation process in which they would be directly involved, very extensively, for a long period of time. The process would satisfy them.

The best evidence that I can give of that consultation process is past performance. There are two other specific instances to which I would like to refer by way of giving examples of how the consultation process will be applied. One is a proposal made to establish a marine conservation area in a part of Canada where the extensive consultation process very much involved the coastal communities and stakeholder groups of all kinds. That consultation determined, after a process lasting years, that the people did not want a CMA to be established in their area. That was the end of the matter, and we did not hear further.

In a second instance, which happens to have been in the Great Lakes region, an initial proposal was made that perhaps a marine conservation area ought to be established. I can characterize the initial response reasonably as a "stiff reaction." The consultation process was begun. It involved all of the stakeholder groups and community groups of the coastal communities. It turned out that after the consultation process was under way for a while, and the people who would be affected understood what it meant for a marine conservation area to be established in their bailiwick, they changed their minds. They are now, in fact, quite in favour of it. Those discussions are proceeding.

Honourable senators, this is not the place nor the time. I suggest, for consultation with all of the coastal areas of British Columbia or all of the coastal areas in all of Canada's Great Lakes, the Arctic Ocean or the Atlantic Ocean because the vast majority of them will never be affected by this bill. When a marine conservation area is proposed then, as per the legislation, the minister will, as ministers have done in the past, consult widely and at length with everybody.

As the bill provides, if there is no agreement among those constituent groups, including affected coastal communities, the procedure will stop. The proposal will not be made to Parliament.

Senator Carney: May I ask a question?

The Hon. the Speaker *pro tempore*: Senator Banks, would you take a question?

Senator Banks: Yes.

Senator Carney: I compliment the honourable senator for being the sponsor of this important bill. However, the information he has given this chamber is not available to the coastal communities. It cannot be communicated to them. There are fears that their livelihoods will be altered.

I am not suggesting that they are all against this bill. The Islands Trust Marine Stewardship Committee is very interested in this legislation, as are the sports fishermen and boating associations. However, they are fearful of what is being proposed. They are not experts in legislation. They do not know what is being proposed, and they have the right to hear what is being proposed and to comment on it.

Are you prepared to spend the summer going down the coast by boat to visit all of the coastal communities that were shut out of the process and explain it to them? Someone must tell them what this bill contains and allay their fears.

Senator Banks: Thank you for the question, honourable senator. The short answer is "no," because if we were to engage in a dialogue of explanation with every coastal community on all three of Canada's coasts to explain what this framework-enabling legislation is, it would take — I would hazard a guess — four or five years. It would be virtually impossible.

Honourable senators, the government must be able to govern. This government has said that it will establish marine conservation areas. I cannot imagine how the enabling of those actions could possibly take further into account — short of flat-out, national referenda every few weeks — the wishes of affected parties any more than this bill does. I cannot imagine a more stringent, open or clearly set out process of consultation when an area might be affected than is contained in this bill. It would be impossible to do so without completely going the route of referenda, which no one here — with one possible exception, I suppose — wants to do.

Honourable senators, I assure the senator that this bill, as with every piece of legislation that comes before this place, is available to all Canadians, as is the record of the discussions on it, and the testimony given by witnesses. However, it is not the case that, in respect of every bill that comes before us, we run around the country, to every constituency, and ensure that every person in Canada understands precisely what it will do and exactly what it says. We cannot do that.

There is a certain responsibility on the part of interested persons to go to the Internet and ask a question. I had the pleasure of taking part in the teleconference to which Senator Carney referred. It was for the purpose of hearing from a representative group of people including, as the honourable senator pointed out,

not only coastal but also inland communities. It is fair to say that, while none of them walked away jumping in the air and saying, "Gee, I hope they establish a NCA in our place," they understood better

Senator Carney: That is the point.

Senator Banks: I will answer the honourable senator's question by saying that I do not think it is possible for the committee, or for any aspect of government, to canvass every coastal community in Canada. The senator is aware of the nature of our shoreline. We simply cannot do that.

When persons might be affected, they will be consulted extensively, and at length. That has been demonstrated in spades by this government.

Honourable senators, before I sit down, I wish to say one other thing: Fisheries regulations in marine conservation areas will be enforced by fisheries officers, period. That is an undertaking that is reflected in the bill. I have taken careful note of the excellent speech made by Senator Comeau in respect of his questions on this bill. I assure the honourable senator that I will be happy to answer each of the 24 excellent questions that he asked. However, I do not think that he would want me to take the time to do that now. I will be happy to get together with the honourable senator at some point to answer each of them specifically.

• (1450)

In response to the honourable senator's excellent speech and questions, I have satisfied myself that the confusion about which he was quite rightly concerned does not exist; that fisheries regulations will be enforced in marine conservation areas by fisheries officers; and that existing fishing licences issued by the Department of Fisheries and Oceans will continue to be fishing licences under the marine conservation area, except, of course, in those small parts of the second type of zone.

Honourable senators will recall Senator Sibbeston having said that there will be at least two different zones in each marine conservation area. That is very important. Senator Sibbeston was careful to say that there will be no extraction of nonrenewable resources from any part of a marine conservation area. However, in the smallest part of one of the two zones — there will be at least two such zones, and there may well be more — no fishing will be allowed. As Senator Sibbeston has said, the other part will be a model of sustainable development, which will include fishing and, for example, the dumping of certain kinds of refuse in a marine conservation area when it conforms with the industrial aspect of what is happening on the shore and in the water in that marine conservation area. It is literally sustainable development.

I look forward to meeting with the Honourable Senators Comeau and Carney and with any other interested senator so that I can answer those questions more specifically and in greater detail.

Senator Comeau: Honourable senators, I wish to thank Senator Banks for referring to the number of questions that I asked in my speech. By all means, I should like to meet with Senator Banks to discuss with him the means by which he arrived at satisfying himself that all of these issues are of no concern.

After he meets with us, would the honourable senator mind tabling in the Senate all the responses to the concerns I have raised? This would allow the concerns to be allayed publicly.

I listened carefully to the words used by Senator Banks in responding to some of my comments. I heard him specifically say that fisheries regulations would continue to be enforced by the Department of Fisheries and Oceans. I do not think I ever questioned the enforcement of fisheries regulations. I specifically asked whether the issuance of licences and the rescinding of licences in marine conservation areas would be done by a Parks Canada superintendent. He will have to go back to the legislation. I think he will note that it is the Parks Canada superintendent who will be responsible, through the management plan, for issuing and rescinding licences. Do not fool around with the words that I used. I was very specific in the questions I raised.

I note that the honourable senator did not refer to certain problems that I raised. For example, he did not at all touch the question of the creation of an enforcement body, a brand new police agency, by Parks Canada, when we already have DFO police policing our waters. As a matter of fact, the Parks Canada people do not have the right to carry firearms at the present time, whereas DFO people do. Will the Parks Canada police have to call in the RCMP when they need to perform arrests under the search and seizure powers outlined in the act?

The honourable senator referred to marine conservation areas. In fact, certain communities in two marine conservation areas were consulted. One of the communities said no while the other said yes. Why would we now need legislation, which is not accepted by many communities, if such things are already possible?

Honourable senators heard Senator Carney state that there is great concern about this legislation on the West Coast. I can tell honourable senators that many people on the East Coast are not aware of this legislation. There was no attempt whatsoever to make the coastal communities of Atlantic Canada aware that this bill was coming forward. These Atlantic Canadians will now have to contend with a new bill, together with all the other problems they have with the fisheries on the Atlantic coast.

These are just a few of the questions I have. I hope we can spend time ensuring that what we are doing is right.

Senator Banks: I thank the honourable senator for his questions and comments.

First, I will happily table in the house answers to the questions of the honourable senator as soon as I can write them out.

The honourable senator's question concerning enforcement was the one to which I was referring. He observed that another enforcement agency will be established. That is true. There will be the marine conservation area equivalent of Parks Canada wardens, whose job it will be to enforce the specific regulations that exist in a specific marine conservation area. The reason they will not be responsible for enforcing fishing regulations lies partly in what the honourable senator has pointed out. For example, they are not armed, whereas, on occasion, DFO officers are armed. They are not familiar with and they will not be charged with enforcing fisheries regulations, whereas DFO officers will.

Honourable senators, one of Senator Comeau's questions related to the fishing community getting used to dealing with DFO officers. They will continue to deal with DFO officers as regards fishing.

The honourable senator is quite right. Obviously, within a marine conservation area, the superintendent will have the ability — and I will answer this specifically when I table my answers — to disallow fishing in some areas in a marine conservation area in which fishing may now be allowed. Therefore, the answer to that question is yes.

I undertake to answer all of the questions, in writing, for all members of this place, very soon.

On motion of Senator Comeau, debate adjourned.

CRIMINAL CODE FIREARMS ACT

BILL TO AMEND—POINT OF ORDER— SECOND READING—DEBATE ADJOURNED

On the Order:

Second reading of Bill C-15B, to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise on a point of order.

As all honourable senators know, yesterday, a question of privilege was raised by Senator St. Germain with regard to this bill. The decision of His Honour as to whether or not a *prima facie* case of privilege has been made has yet to be determined. Had this been a point of order yesterday, that would have been attached to this item on the Order Paper. Had that been the case, of course, the matter would be standing in the name of His Honour the Speaker.

In similar circumstances, in the past, a bill was not proceeded with when a question of privilege relating to the bill was raised. I think we should continue that practice. We ought not to proceed with the third reading of this bill.

• (1500)

Should a *prima facie* question of privilege be determined, the Speaker, in his ruling, might be able to offer some advice on whether it would be appropriate for the chamber to proceed with the bill.

Therefore, I would suggest that we treat this matter as we treat points of order. If the Speaker rules that there is no *prima facie* case, then there is no obstacle at all. Should the Speaker rule that there is a *prima facie* case, then, at that point, we would refer the matter to the Standing Committee on Rules, Procedures and the Rights of Parliament.

After that determination, we would be able to reflect upon whether, until the Rules Committee has dealt with the matter, we will withhold judgment, or at least, we will have the opportunity to determine whether we can draw a clear distinction between the privilege issue and the issue dealing with the substance of the bill.

I would ask for a ruling on whether it is the practice that we do not deal with an item when a question of privilege has been raised.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, the question of privilege which was raised is to a certain extent related to Bill C-15B. I think, however, that a debate at second reading stage, if we proceed with the debate today, would have no impact on the ruling which the Speaker will make. This is not to say that I know how he will rule, but I think that we should proceed with the debate.

If the Speaker were unable to give a ruling because the senator who raised the matter is absent, or for some other reason, we might delay debate on the bill indefinitely. We are now prepared to move second reading of this bill and begin the debate.

The Hon. the Speaker *pro tempore*: Honourable senators, when Senator St. Germain raised this question yesterday, I was in the Chamber with the Speaker. We met with the experts yesterday evening about this. This morning, Senator St. Germain told the Speaker in a telephone call that he believed that we could proceed with the debate despite his absence.

I remind honourable senators that we are at second and not third reading stage of the bill. According to the Speaker, we may proceed with debate at this second reading stage. The Speaker will give us his ruling next Tuesday.

[English]

Hon. Joan Fraser: Honourable senators, I move the second reading of Bill C-15B

The title of Bill C-15B is "An Act to Amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act." I regret to advise that that is both the long and the short titles. As that title suggests, the bill concerns two quite different topics: Firearms and cruelty to animals. I shall try to discuss the broad lines of each.

I shall speak first to the animal cruelty provisions of Bill C-15B. Essentially, this bill does a few quite simple things. First, a new section of the Criminal Code is proposed to bring the provisions on cruelty to animals together, in a coherent whole. Second, the bill removes some glaring anachronisms. Third, the proposed legislation clarifies the law. For example, for the first time in this context, federal law would provide the definition of an animal. That definition will be:

...a vertebrate, other than a human being, and any other animal that has the capacity to feel pain.

If honourable senators are wondering where the dividing line would come, the answer is not entirely certain. For example, science is not entirely certain whether an octopus that has a central nervous system actually feels pain. We are quite clear that a sponge does not. In cases where doubt existed, it would be for the Crown to prove that the animal could feel pain before it could proceed.

Fourth, and this is very important, Bill C-15B increases the penalties for cruelty to animals.

[Translation]

The changes proposed in this bill are, I repeat, essentially simple yet important. They are an update of provisions that date back to 1892 and are based on concepts now outmoded. The last major change to animal cruelty provisions dates back to 1953, when the main provision relating to causing needless pain, suffering or injury was introduced.

The object of the law has not changed, and this bill will not change it either. The provisions of this bill clarify it, however, it is in society's best interests to protect animals from cruelty, because they are capable of feeling pain. This is what distinguishes animals from other forms of property. This is why the provisions on animal cruelty need to be taken out of the part of the Criminal Code that deals with property offences and put into a new part of the Code.

[English]

Honourable senators, discussions about these proposed changes have taken place against a backdrop of controversy about the use of animals in society, which is a subject of passionate debate. However, it is vital that we not confuse that larger social debate with the objectives of this bill.

The proposed provisions in Bill C-15B, though important, do not change the status of animals at law. They promote humane treatment of animals, but they have nothing to do with advancing animal rights; nor do the proposed provisions provide that one may never inflict pain on any animal. What they tackle is pain or suffering that was unnecessary, or wilfully or recklessly caused.

I mentioned that Bill C-15B removes some anachronisms from the present law. For example, with some of the current animal cruelty provisions in the Criminal Code, the proprietary status of an animal determines whether a successful prosecution can be brought. Yet, the basic point of the cruelty provisions is to protect animals from cruelty because of their capacity to feel pain. Clearly, an animal's capacity to feel pain has nothing to do with who owns it.

I shall now offer an example of the kind of complexity in the present law that Bill C-15B would clear up. Section 446(1)(a) of the Criminal Code makes an offence of the wilful infliction of unnecessary pain, suffering or injury on an animal. However, one must read that in conjunction with section 429(1), which states that "wilfully" includes "recklessly."

Further, it is only through reading section 446(3) very carefully that you will learn that section 446(1)(a) actually creates two offences: one of causing unnecessary pain, suffering or injury either wilfully or recklessly; and the other of causing unnecessary pain, suffering or injury through criminal neglect.

As for the punishments that apply to these offences, one must go all the way to section 787, or perhaps section 719(b), depending on the type of offender concerned.

Passage of Bill C-15B would clarify matters. Among other things, the proposed legislation sets out intentional cruelty offences in one section, and cruelty involving criminal neglect in another.

[Translation]

Now, let us move on to the penalties. The idea of making the penalties for deliberate cruelty and criminal negligence more severe is very readily justified. First, scientific studies are increasingly showing a link between animal cruelty and cruelty toward humans. The severity a society attributes to a given act is reflected in the penalties it imposes on that act.

• (1510)

Bill C-15B substantially increases the penalty for intentional cruelty. It makes it a hybrid offence, with a maximum sentence of five years for a criminal act and eighteen months for an offence punishable by summary conviction plus, of course, the possibility of substantial fines.

This leeway will make it possible for the Crown to tailor the penalty to the circumstances and will make judges, lawyers and the general public aware that cruelty to animals constitutes a serious case of violence.

[English]

A third aspect to modernizing the law is to fill a gap in it. At present, a person who does have a lawful purpose for killing an animal but who does so with brutal or vicious intent cannot be charged with cruelty unless he also causes unnecessary pain, suffering or injury to the animal. If you are wondering what kind of conduct that might involve, something that is brutal and vicious but not painful, it could include tying an animal to a railroad track or fastening an explosive device to it. Bill C-15B creates a new offence of intentionally killing an animal brutally or viciously, whether or not the animal suffers pain.

Let me now turn to a point about which there appears to be much confusion and about which there has certainly been considerable controversy. Some critics of Bill C-15B seem to have confused the issue of what needs to be proven to establish the elements of animal cruelty offences with how defences in respect of animal cruelty operate now under the Criminal Code. It is important to understand the distinction.

In this bill, the main offence of causing unnecessary pain, suffering or injury to an animal is structured in such a way that industry and research practices are factored into determining whether a cruelty offence has even been committed. This is an extremely important point. In determining whether an offence of causing unnecessary pain, suffering or injury has been committed, the test under the new law will be the same test as in the present law. In that process, the courts have to decide two issues: First is whether someone had a lawful purpose for doing a particular act. The courts have expressly acknowledged that animals can be subjugated to satisfy a variety of human interests. On the basis of the recognition of industry and research practices in case law, common custom, codes of practice, provincial, territorial and federal legislation and conventions concerning animal use, it is clear that the use of animals in industry, including agriculture, or research always has been and will continue to be legal.

[Translation]

However, proving that the purpose is legitimate is only half of the battle. The other half consists in determining if the means used to achieve the objective have caused the animal pain that could have been avoided, given the other reasonably accessible means, as the Quebec Court of Appeal indicated in a landmark ruling on animal cruelty, "considering social costs and priorities."

The offence of causing unnecessary pain, suffering or injury to an animal is only established if the court is convinced beyond any reasonable doubt that the pain could have been avoided under the circumstances. This criterion has been included in the Criminal Code since 1953. It has not changed and it will not change.

[English]

That covers the elements of the offence. Now turning to defences — and I am not talking about football here — this is something about which there has been considerable debate in the other place. I am sure that debate will continue as our Senate committee examines this matter, and we will do our usual, thorough job. Given the degree of public debate that we have seen on this matter, it would be surprising if no one suggested any amendments. However, as I said yesterday, it is important to note that the Minister of Justice has stressed that the Senate process must be respected — and I know that it will be.

Some critics of the bill, getting to the substance of the issue, suggest that vital defences will be lost if the animal cruelty provisions are moved out of Part X1 of the Criminal Code, and that would be important if it were true. However, I have not been convinced. It seems to me to be fair to say that the critics are operating on a number of faulty premises. Let me address one of these.

In my view, the critics' most important error is their assumption that the current law gives industry an exemption for all activities that are carried out for a lawful purpose. That is not true. You will remember what I said about the second half of the test for causing unnecessary pain, suffering or injury, even when one's purpose is lawful. Honourable senators, no one is now exempt from the application of the criminal law on animal cruelty just because they have a lawful purpose. The reason why reasonable industry practices are not criminal is that they do not meet the threshold of criminal liability — not that they are exempted.

The Criminal Code has never contained exemptions for animal cruelty provisions. If I could cite a parallel example that someone mentioned to me, doctors are not exempt from the Criminal Code's provisions against assault, even though what they do to you is quite often invasive. The law assumes that there is a line somewhere that even doctors may not cross. They are not exempt, nor is the treatment of animals.

The policy underlying this bill's amendments relating to animal cruelty has been that the tests for liability for intentional cruelty and for criminal neglect should not be changed, and certainly should not be eroded. It is worth noting that the Criminal Lawyers Association has said that moving the animal cruelty offences out of the property provisions in the Criminal Code would not diminish any of the defences available to accused persons.

I would like now to address one further concern that has interested some honourable senators. Some critics are concerned that Bill C-15B would make it easier for animal rights activists to use the courts to harass industry with vexatious, private prosecutions. I do not think so. Bill C-15A, which received Royal Assent on Tuesday, would require that all private prosecutions laid in respect of indictable offences, including those involving cruelty to animals, be screened before a potential accused is even required to attend court. A mandatory hearing must be held before a designated justice or a judge to determine whether a case is made out for requiring the accused to attend court. The Attorney General must receive reasonable notice of the hearing, and has the right to attend the hearing and to cross-examine and to call witnesses. This comes on top of other provisions already in the Criminal Code, such as section 579, which allows the Attorney General to stay proceedings in a private prosecution. In short, honourable senators, this bill does a fair and balanced job of protecting both animals and industry.

Now let me turn to the amendments concerning firearms. Let me be utterly frank here: I am not a gun owner or a user. I have studied this bill and the Firearms Act carefully, and I have had briefings. I will never be an expert in the manifold complexities of guns, with all the distinctions in muzzle length, muzzle velocity versus muzzle energy, ammunition calibre, and so on. I know just enough to know that I do not know very much. However, I have studied this bill. With that disclaimer, let me now explain what I understand this portion of the bill to do.

[Translation]

It is very important to note that these proposals are the result of extensive consultations with program partners and with stakeholders, including the police and firearm owners. These changes are meant to be solutions to the issues raised by people who take an interest in firearms. The guiding principle is to administer the program effectively, without affecting safety.

First, I remind honourable senators that, in 1995, Parliament passed Bill C-68, thus creating a general program to ensure safety with respect to firearms.

• (1520)

This program included the issuing of permits to all firearms owners, the registration of all firearms, and new more severe sentences for the criminal use of firearms. The legislation also contained important public safety elements from previous laws, including the safe storage of firearms and the Canadian safety course on handling firearms.

The purpose of the amendments proposed today in Bill C-15B is to streamline the administration of the program.

The proposed administrative changes include simplifying the firearm permit and registration renewal process. In addition, the pre-processing of visitors bringing guns into Canada will make the border process more efficient.

We would improve the day-to-day administration of the firearms program by ensuring more direct accountability: the bill would create a new Canadian firearms commissioner who would report directly to the Minister of Justice. Obviously, provincial firearms officers will continue to play a key role.

[English]

Bill C-15B also addresses a problem that has become apparent with dealer inventories of prohibited handguns, particularly dealers who were caught with large inventories on February 14, 1995 when the guns were first prohibited. Grandfathering these inventories would allow businesses to sell prohibited handguns to individuals if those individuals are themselves grandfathered to possess those weapons, and licensed to acquire them. This would help businesses and would not affect public safety because, I repeat, only licensed, grandfathered individuals could acquire these prohibited handguns.

Another proposal in the bill would change the grandfathering date for prohibited handguns from February 14, 1995, to December 1, 1998. This is so that properly licensed individuals who lawfully acquired and registered a handgun while it was still just restricted — that is, between February 14, 1995, and December 1, 1998 — could keep it. Public safety would be maintained because only those people who were already in legal possession of these handguns on December 1, 1998, and who are properly trained and licensed to use prohibited firearms would be able to keep them. Therefore, ownership of prohibited handguns would continue to be limited to a very small number of individuals with grandfathered privileges.

Another element of the bill that should make its administration far more efficient — and cheaper — is a provision allowing the staggering of firearms licence renewals. The idea is to avoid having a tidal wave of renewals come due at the same time every five years. The bill proposes a one-time staggering, which would then permanently avoid that traffic jam, since the five-year renewals would themselves be automatically staggered.

Other amendments propose to enhance border controls when it comes to firearm import-exports and to meet commitments under international agreements. I know the Senate committee will examine all of these provisions diligently.

Honourable senators, I said — and heaven knows, it is true — that I am not an expert on guns. However, I am from Montreal, where an armed madman ran loose at the École Polytechnique one terrible December evening, so I understand the basic need for fair, effective gun control. In preparation for this bill, I have learned a few things about how our existing control program is helping to keep Canadians safe.

Let me give an example of something that happened in Ontario that I found almost unbelievable. Police received notice that an individual had three assault rifles but had failed to re-register them as prohibited firearms, as required by the Firearms Act. The owner was notified of the re-registration requirement several times. Eventually, a search warrant was executed on the property to seize those three rifles. The search also turned up 21 handguns, 47 assault-type rifles, 82 machine guns, six shotguns, one .50 calibre anti-tank gun, six grenades, a hand-held rocket launcher with rocket, 42 machine-gun drum magazines, many fully loaded, land mines, explosives, and thousands of rounds of ammunition. None of those weapons would have been found if we had not had an effective system of gun control, which provided the initial entry point. The system, I would remind honourable senators, is costing us less than \$3 per Canadian per year, and the cost is falling.

Each year, in this country there are, on average, more than 1,000 firearm-related deaths. Among industrialized countries, Canada has the fifth-highest firearm death rate for children under 15. Overall, Canada's homicide rate is at its lowest level since 1967, but we know that shooting remains the largest cause of homicide deaths. All of us here — indeed, all Canadians — surely want to see concrete measures taken to reduce the criminal use of firearms.

At the same time, we accept that most gun owners are responsible, law-abiding citizens. This bill is designed to make the gun control system more effective, preserve public safety and lessen useless burdens on gun owners. Those strike me as eminently worthwhile objectives.

Hon. Lowell Murray: Honourable senators, will the honourable senator permit a question?

Senator Fraser: In theory, yes.

Senator Murray: I listened attentively to the honourable senator, as I always do. While I was listening, I was examining the bill for the first time. We are now at the stage of second reading approval, in principle, of Bill C-15B. Could the honourable senator identify the principle of this bill for us?

Senator Fraser: Honourable senators, there are two principles: One, in relation to cruelty to animals, as I tried to suggest, is to bring together in a clear, modernized form the provisions of the Criminal Code relating to cruelty to animals, making them more in line with modern Canadian social values. The second, in relation to firearms, is to improve the administration of the firearms control system, in light of difficulties that have been discovered by gun owners, administrators of the system, and others.

Senator Murray: Honourable senators, I do not wish to be argumentative. I had several other questions. I would like to ask the sponsor of the bill to tell us what the provisions regarding cruelty to animals — in respect of which I am strongly sympathetic — have in common with the provisions respecting firearms and firearms registration. If there are two principles, there should be two bills.

Further, I take the point of my honourable friend as to the importance of the provisions regarding cruelty to animals. She argues strongly that the provisions relating to firearms are very important. I take her word on both counts. Therefore, I think we should have two bills.

Once again, the government has taken the electronic version of a scissors and a pot of paste and has slapped together two bills and made it one bill for the convenience of the executive government. I simply want to make the point that I trust the committee, to which this bill will doubtless be referred, will take proper umbrage at this procedure. It is an imposition on Parliament to treat the process in this way.

Senator Fraser: I am not quite sure that Senator Murray has the process history accurate here. In fact, this bill is what is left of a former omnibus bill, which was divided in the other place partly in response, I suppose, to the kind of principles raised by Senator Murray. They are not unimportant principles; I could not agree

more. However, the bill has been through the other place, where it did receive very careful examination. I do not particularly mind in this case, since we are talking about nasty things being done to people or animals.

• (1530)

Senator Murray: Honourable senators, that might be identified as the principle of the bill: to deal with nasty things that are done to people and animals. I had not appreciated the background that Senator Fraser placed on the record, and I thank her for that. It does not change my mind. If the bill has been divided, let it be subdivided.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, the Honourable Senator Fraser has just told us that the bill was excellent and that it was carefully considered in the House of Commons.

[English]

Why, then, is the House ready to almost beg the Senate to pass the bill bona fides if it was so well studied over there? I am trying to reconcile two different views.

[Translation]

Senator Fraser: Honourable senators, far be it for me to read the minds of the members of the other place. The Senate always considers bills with professionalism and care.

In this very specific case, we were not the first to do so. This does not diminish our duty to proceed with a rigorous consideration of the bill. It is very likely that certain witnesses who were not successful in convincing members of the House committee of their arguments will try to do so here. It will be up to us to agree or disagree with their position.

[English]

Hon. Willie Adams: Honourable senators, I have a question for Senator Fraser. I am having difficulty with the fact that Bill C-15B is amending Bill C-68. Perhaps this weekend I will use my gun at home, although I do not know what animal I will shoot. I am concerned because it sounds as though being a hunter may become criminal behaviour. I am a hunter, and I provide for my family and community. This is somewhat different. I would agree with Senator Murray that we should have two separate bills.

What is cruelty to animals? We hear about pit bulls attacking people in their homes. Can that person protect his dog if the dog bites someone? He cannot go to court because it is a guard dog. Aboriginal people will not survive. We have to shoot animals when they attack us. That is why we have guns.

Honourable senators, we have a by-law in our community that if dogs are running loose, they must have a tag. What if you have a dog running around the community and biting people?

I do not know how cruelty to animals will be interpreted in the future if we cannot kill any kind of animal that we eat. If we cannot use a gun to shoot them, what are we to do?

Senator Fraser: Senator Adams, I do not think you need to be concerned about either portion of this bill. In terms of your or

your neighbour's guns, this bill does not criminalize anything that was not already criminal, with the exception of something to do with muzzle energy, which involves mostly paintball guns. Do not hold me to that because, as I said, I am not an expert. However, I do know that you do not need to worry about your guns. If they were legal before, they are still legal.

Honourable senators, as far as animals are concerned, lawful excuse is an absolute defence. Lawful excuse includes self-defence, feeding your family and putting an animal out of their suffering. All the examples the honourable senator mentioned have long since been established by the courts as perfectly valid acts. This bill does not change that.

Hon. Pat Carney: I would have just one question for Senator Fraser, and that is to clarify her statement that the gun bill is costing us only \$3 per person per day.

Senator Stratton: Per year.

Senator Carney: Per year? Thank you. According to my calculations, \$3 times 30 million people is \$90 million.

Honourable senators, in Victoria they achieved a major downsizing. They cut the number of people in the office from 57, just for Victoria, to 17. I note that in the National Finance Committee, officials dealing with Supplementary Estimates said that the amount of money spent in implementing this legislation was approaching \$700 million. That was the estimate given by an official.

Could the honourable senator clarify her estimate of \$3 per person, per day, with the official's estimate?

Senator Stratton: Per year.

Senator Carney: I am sorry, honourable senators. It is late in the day, and I have yet to speak on the subject of West Coast lighthouses, which will keep you all here late.

I would like some clarification. This is a large number. I would like you to clarify the source of your information. My information was given by officials before the National Finance Committee.

Senator Fraser: Honourable senators, obviously my information also comes from officials. This is not something that I actually administer myself. The information I have been given is that over the first seven years of operation of the program, approximately \$610 million was spent. The Estimates for 2002-03 suggest planned spending of \$113.5 million for operations and maintenance of the firearms program in that fiscal year, which will be the second consecutive year that costs have declined, and that planned spending for the year 2004-05 is \$80 million, which is a significant decrease from the current \$113 million.

Senator Carney: Honourable senators, I understand that the original estimate to implement this bill, in total, was \$85 million.

Senator Lynch-Staunton: To be recovered.

Senator Carney: To be recovered, my colleagues tell me, because I, too, am not an expert on the subject of guns. Would the honourable senator total that spending? If the original estimate was \$80 million, and you have listed \$610 million — I cannot do the arithmetic in my head.

Senator Stratton: It has \$960 million going towards it, so far.

Senator Carney: Would you total them for the record and say how much this legislation is proposed to cost us?

Senator Fraser: Honourable senators, I cannot total them because I am missing information. I am missing 2003-04. Absent that year, the total I have is that from 1995 through fiscal 2004-05, we would have spent \$803.5 million over 11 years, plus whatever it is for the missing year.

• (1540)

Hon. Terry Stratton: Honourable senators, if I may, the cost is estimated to end up as \$979 million in 2003-04. What I would like to return to, as it leads to a question, is that Minister Rock assured the Senate in committee that the implementation of this bill would cost no more than \$85 million, with recoverables taking the actual cost down to \$5 million. He gave us assurance after assurance that this would be the cost.

Honourable senators, I look at that and say, if the assurance was \$5 million and the actual is now \$979 million, the real issue is: Where is the credibility in what we were told? I just do not see it.

Senator Fraser: Honourable senators, I was not here for the passage of the initial bill, or the meeting with the minister of the day. In any case, past performance is not what this bill is about. This bill is about, among other things, simplifying administration from both the administrators' and the gun owners' point of view, and it is expected that that will save money. I think that is a good thing.

Senator Stratton: Honourable senator, where is the credibility? It is not there.

Can the honourable senator assure us in this chamber that the Minister of Justice will not bring forward any government amendments?

Senator Fraser: Honourable senators, I just said that I do not make it my business to read the minds of the members in the other place. It is my firm understanding that, as of now, the Minister of Justice has no intention of introducing any government amendments.

Senator Stratton: I have difficulty believing that because we continually hear of back-room deals with backbenchers in the other place, whereby a deal is struck that an amendment will be brought forward by the government. Can the honourable senator assure us that no such back-room deal was struck?

Senator Fraser: Honourable senators, I was, as I said yesterday, at least as interested in, and surprised by Mr. Calder's statement as anybody else in this chamber.

I hope it is not breaking a confidence for me to say that I spoke directly with the Minister of Justice as shortly thereafter as possible, and he assured me that no deal had been struck

regarding a government amendment. He assured me explicitly and repeatedly that he expects the Senate to do its work, period.

However, should we find something of concern in this bill, other than the issues raised by Mr. Calder, perhaps the minister will want to introduce an amendment to fix that. As honourable senators are aware, that is sometimes done.

Senator Stratton: Honourable senators, the assurance by a former Minister of Justice was that the gun implementation bill would cost no more than \$85 million, with recoverables bringing it down to \$5 million. Where is the credibility in that statement? There is none.

Hon. Charlie Watt: Honourable senators, as most of you are aware, Aboriginal people throughout the world have been impacted heavily by animal rights groups. The seal hunt was restricted to such an extent that the people in the North could hardly survive. Similarly, in the name of discouraging cruelty to animals, the hunting of fur-bearing animals was also affected.

Is this yet another bill which will stipulate that trappers can no longer use leg-hold traps or snares? Can we no longer snare rabbits?

Senator Fraser: Honourable senators, it is my clear understanding that, if traps were legal yesterday, they will still be legal after this bill is passed. The purpose of this bill is not to change the nature of the offences. The purpose is to stiffen the penalties, but the penalties are a separate matter from the actual offences.

In respect of animal rights activists making the lives of Aboriginal people everywhere difficult, it is not so much this bill as another we have just passed that should strengthen protection against unjustified or frivolous public prosecutions.

On the whole, there should be a net gain for Aboriginal people in this process.

Senator Watt: Honourable senators, I am uncertain whether the response satisfies me in such a way that I need have no future concerns about this issue. I have not seen, nor has anybody pointed out to me, the clause in the bill that protects Aboriginal hunting rights. If there is such a clause, I would appreciate if the honourable senator would point it out. If not, I would clearly state in this house that, not only have we been impacted by the demands of animal rights groups in the past, we will also be affected by the provisions contained in Bill C-68. Perhaps this is an opportunity for us to amend Bill C-68, to provide for the adaptation programs promised by Allan Rock when he was Minister of Justice.

I think we should kill the bill.

Senator Fraser: I certainly hope Senator Watt will attend our committee meetings and pose questions like that to the minister.

Honourable senators, in the meantime, no specific exception is provided for Aboriginal people in the bill, just as there is no specific exception for anybody else.

Bear in mind that the standards the courts apply, if a matter does go before the courts, and that is not a simple matter, there will be careful, case-by-case consideration given to the circumstances of each alleged infraction. Traditional Aboriginal

hunting and fishing and presumably trapping practices, definitely would not be caught under this proposed act. This bill is designed to go after those people who wilfully, recklessly, through criminal neglect cause unjustifiable and unnecessary suffering to animals. That is very different from the kind of situation the honourable senator is talking about.

On motion of Senator Stratton, for Senator Nolin, debate adjourned.

• (1550)

HERITAGE LIGHTHOUSE PROTECTION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Forrestall, seconded by the Honourable Senator Callbeck, for the second reading of Bill S-43, to protect heritage lighthouses.—(*Honourable Senator Callbeck*).

Hon. Pat Carney: Honourable senators, as you know, I live on Saturna Island, home of the famous East Point Lighthouse. It was built in 1888 after the wreck of the barque *John Rosenfeld* went aground on Boiling Reef. Saturna remembers this because the *John Rosenfeld* carried the largest shipment of coal to date at that time. Saturna Island heated its houses for many years with the coal that they salvaged from that wreck. Subsequently, the lighthouse was built and is still in operation.

The experience of living on an island with an operating light inspired my interest in the issue of staffing the lighthouses in Canada, when the Liberal government proposed removing the people from the lights and running them simply as automated stations. As a result of the pressure by British Columbians from the interior areas and from the coast, we still have 27 staffed lighthouses today.

Honourable senators, I speak to Bill S-43, to protect heritage lighthouses. I am glad to be addressing this issue because the bill is urgently needed. Neglect is destroying many of our historic light stations, and members of the public who would like to help save them find themselves hamstrung by a process that will not allow them to do this. This bill promises to put a regulatory structure into place that will help us to preserve these historic sites. Without the protection offered by this bill, we will lose a precious part of our natural history and marine culture.

Also at risk is the safety net that many of our light stations on the Pacific continue to provide for those who live and work on our coast. Unlike the East Coast sites that Senator Forrestall, the sponsor of this bill, mentioned in a speech last week, many of our light stations on the West Coast are still operational, from the Langara Point light at the north end of the Queen Charlotte Islands to the light at Trial Island, located off Oak Bay near Victoria.

Knowing this, Senator Forrestall asked my office to provide a West Coast perspective so that we could design proposed legislation that would be suitable for our light stations on the Pacific as well as those in other parts of Canada. In British

Columbia, we need an act that will protect the lights, not only to preserve our maritime history but also to preserve our maritime present and future.

We first introduced this bill in April 2000 as Bill S-21. It was modelled after Canada's Heritage Railway Stations Protection Act. Its purpose now, as then, is to preserve and protect our heritage light stations. Bill S-43 does this in three ways: first, by providing for the selection and the designation of heritage light stations, whether they are still being used as navigational aids; second, by preventing their unauthorized alteration or disposition through a prescribed process for public consultation; and third, by requiring that heritage light stations be reasonably maintained.

Current legislation gives two federal government bodies the power to select and designate heritage lighthouses: the Federal Heritage Building Review Office, or FHBRO, and the Historic Sites and Monuments Board. As it stands, though, the process has its problems. Under the current legislation, more lighthouses are being rejected than are being protected. FHBRO has rejected 157 lighthouses for heritage status. In fact, only 3 per cent of our lighthouses across the nation have genuine heritage protection and only 12 per cent have even partial protection. In B.C., the figure is even lower: nine of 52 light stations are currently designated as fully or partially protected heritage buildings. That figure is too low by any standard.

Honourable senators, another shortcoming of the current system is that the public has no right to participate in the process of selecting or designating heritage lighthouses. On the West Coast, community groups such as the West Vancouver Historical Society and local governments would have loved to have been involved with the renewal of nearby lighthouse sites. They have been curtailed in their efforts by regulations in place, while local light stations deteriorate.

A third and crucial drawback of the current system is that there has been no provision made to adequately protect the sites that are given heritage designation. The Canadian Coast Guard does not have a mandate to protect the cultural significance of the lighthouses and it is not in a position to provide the care needed to maintain these heritage buildings.

Bill S-43 will address all of these issues. This bill now gives the Minister of Canadian Heritage the authority to recommend to the Governor in Council that a lighthouse be designated as a heritage lighthouse. This proposed legislation also empowers Minister Copps to request that the Historic Sites and Monuments Board consider the heritage status of any lighthouse and report its findings to her. In the course of its deliberations, the board must give the public an opportunity to make representations about the heritage designation of that lighthouse.

The bill also ensures public participation in this process by allowing members of the public to submit a petition to the minister proposing a heritage designation for any light station. In Bill S-43, we have added a specific time frame in which this must occur. The bill requires that petitions be presented within two years of the act coming into effect. Within five years of the act coming into effect, the minister must first consider all of the lighthouses mentioned in the petitions; second, determine which of them should be designated as heritage lighthouses, and whether

any related sites or structures should be included in the designation; and third, make recommendations to the Governor in Council. Within 90 days of that five-year period expiring, the minister must publish a list of all of the lighthouses that she has considered for heritage designation and indicate which of them has been recommended for this status.

Bill S-43 prohibits anyone from altering or disposing of a heritage lighthouse without obtaining authorization from the Minister of Canadian Heritage and without giving public notice of their intentions. The bill also allows members of the public to object to the minister about any plans to make changes to a heritage lighthouse site so that, in Senator Forrestall's words, "it cannot be turned into a McDonald's." On the West Coast, we would say, "a Starbucks."

The minister is empowered to authorize the applications if no objection is filed, to reject them with reasons or to refer them to the board for advice. There is great flexibility. Here again, the board is required to give all interested persons a reasonable opportunity to make representations concerning the application. The board is required to submit its findings to the minister within six months. The minister may then authorize or refuse the application in question.

Honourable senators, one of the valuable additions to this new bill is clause 17, which requires the owner of a heritage lighthouse to maintain it in a reasonable state of repair in a manner that is in keeping with its heritage character. Another addition is that Bill S-43 amends the Canadian Heritage Act to include heritage lighthouses within Heritage Canada's jurisdiction. Also new to this bill is a definition of a lighthouse that states:

... "lighthouse" means a tower or other structure, including its fixtures, that was built to contain, contains, or once contained a beacon light or other signal to warn or guide marine vessels, whether or not it is now in use as a navigational aid.

Bill S-43 also includes a definition of "related site or structure." The bill states:

... "related site or structure," in relation to a lighthouse, means the site on which the lighthouse is situated or any other structure, work or related fixture on the site.

Former lightkeeper and lighthouse historian Don Graham, to whom we circulated this bill, has told us that this is a particularly important aspect of the legislation because there is now nothing in place to ensure that heritage status will also cover historic dwellings or equipment that are integral to the heritage value of a lighthouse site. His concern is fog alarm buildings, still a critical part of the protection that lighthouses offer to marine users. In particular, the diaphone foghorns, of which there are three remaining on B.C.'s coast, put Canada in the forefront of aids-to-navigation technology when they were invented at the turn of the last century because they were the first consistently reliable foghorns. Even the sound of the diaphone foghorn has heritage value. The Oral History Division of Simon Fraser University did what they called a "Vancouver Soundscape"; its highlight was the diaphone foghorn.

Jim Delgado, Executive Director of the Vancouver Maritime Museum, has also given us positive feedback on Bill S-43. He calls the bill well thought out in terms of its financial impact on the

government, for two reasons: first, the bill works within the existing system so it does not create any new bureaucracy or programs. The second is that Heritage Canada has in place a uniform set of standards and criteria that allow it to assess the significance of a heritage site. That means that not every light will qualify for heritage designation, which will make this process cost effective.

• (1600)

The museum director believes that the public input and consultation provided for in this bill will ensure that valuable sites will not fall through the cracks, and that those responsible for heritage sites will be held accountable for the condition of these lighthouses.

He also points out that the bill's promise is in its potential to create opportunities and partnerships within local communities. Under this proposed legislation, members of the public will be able to apply to the Minister of Heritage to modify heritage light stations. Concerned community members could then turn light stations into interpretive centres or tourist destinations, allowing them to become part of the larger community. The importance of the bill, he says, should not be just to save the light stations, but also to allow them to become part of the larger social fabric.

We designed this legislation to make it easier to protect our heritage lighthouses. On the West Coast, our lighthouses are particularly vulnerable because of harsh ocean and weather conditions. Time is the biggest threat to most of them, so we hope to enact this legislation quickly. In addition, current government practices of sometimes destroying or blowing up heritage lighthouses, or any lighthouse, is an enemy of preserving our past.

I am thinking particularly of the Lucy Island light station, which was built in 1907 as one of two light stations marking the entrance to Prince Rupert's Metlakatla Channel. In 1907, Prince Rupert was supposed to be the end of the railway. It was supposed to be the Pacific port because it is closer to the Orient than Vancouver. This dream of the northern railway, the Grand Trunk Pacific, was the dream of Charles Hays who, on the "night to remember," April 12, 1912, set sail for home on the *Titanic*, the new luxury liner. Along with so many of his shipmates, he perished that dark night, as did the dream of Prince Rupert.

Eighty-one years later, an 11-year-old, Allan Richards, wrote a letter to historian Don Graham, narrating his experience of seeing the home that his family had lived in and loved on Lucy Island being burned to the ground as a "cost-cutting move to save taxpayers' dollars." The Richards family was the last to live at Lucy Island before the light station was automated. As his family and their possessions were being ferried to the ship that would take them to Prince Rupert for the last time, Alan watched from the stern of the boat as the old home was burned to the ground. He particularly remembers how the paint his father had painstakingly applied each summer to the side of the house bubbled in the heat of the fire.

It is to prevent such actions that I ask honourable senators to support this bill and allow us to protect our history as well as our present and our future.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I move that the adjournment stand in the name of the Honourable Senator Callbeck.

On motion of Senator Callbeck, debate adjourned.

BILL TO CHANGE THE NAMES OF CERTAIN ELECTORAL DISTRICTS

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Poulin, seconded by the Honourable Senator Poy, for the second reading of Bill C-441, An Act to change the names of certain electoral districts.—(*Honourable Senator Prud'homme, P.C.*).

Hon. Marcel Prud'homme: Honourable senators, my remarks on this bill will be brief. You will recall that I promised last week:

Honourable senators, I advise the House that I will be speaking to this bill next week.

I owed it to myself to resume debate at second reading. I know that I have very good personal reasons for not doing so, but I am going to do it! I want to be consistent with what I have said in the past.

Those who have sat in the other place know that I have taken a particular interest in electoral law for 38 years, having, on many occasions, represented some of my colleagues before the courts following censuses and electoral redistributions. On one occasion, I would have liked to represent the entire City of Montreal so that a friend who is now a senator could have had a riding that made more sense than the one the legislation had reserved for her. I could not interfere in West Montreal. I had been given responsibility for East Montreal. Senator Nolin and I took the case to court and won.

My interest in electoral law goes back many years. I am also interested in the essential role of the Senate in an issue that can only generate a great deal of partisanship in the House of Commons.

[English]

I am always surprised when I hear a member of the House of Commons ask why senators have an interest in this process. I am of the opinion that senators should be involved in the redistribution process because we have no interest in the boundaries and the names, and we would like to do the best job possible in this endeavour that was started under the leadership of the Right Honourable Prime Minister Pearson.

As the president of the Young Liberals of my area, I personally met with members of Parliament, that is, members of the House of Commons and senators. I hope that one day it will be recognized that the term, "Members of Parliament" applies to the representatives of both Houses of Parliament. However, the press

in its ignorance and even scholars in their ignorance still say, "Members of Parliament and senators are in conflict with each other." That distinction has no Constitutional basis.

I find Bill C-441 to be unacceptable. However, good representations were made by members of the other place, no less than the my very good esteemed friends...

[Translation]

Rick Laliberté, Ghislain Lebel, Robert Lanctôt, Francine Lalonde, Antoine Dubé, Suzanne Tremblay and John Reynolds asked me why I would not support the bill this time.

[English]

In essence, this is a capricious bill. It fulfils the dreams of some members. I believe that more than 25 people here understand what I am talking about. Those who have been elected to office will know that sometimes a village is not included in the name of a district, and some people believe that is good. Let us call a spade a spade. It is not my custom to avoid calling a spade a spade. We know the true meaning of this. They are neither constitutional nor historical reasons. They are political reasons. Having been elected, I understand that. I always resisted changing the name of Saint-Denis to something else. It would have brought me a lot of votes, but how many more votes do you want when you have 90 per cent of them? It is comparable to certain districts on the West Island where Mr. Charest is expecting to get 98 per cent of the vote instead of 97 per cent. I do not understand why he does not intend to concentrate on the areas outside of Montreal in order to win the election. However, that has nothing to do with Bill C-441.

• (1610)

I have an amendment that will be defeated in committee, but I wish to establish now, for the future, how we can achieve what we want without changing the names of these electoral districts. We are supposed to be responsible. Any change brings expenses. It seems that some people do not understand that.

When René Lévesque passed away, in the frenzy of his death, everyone wanted to change the name of Sherbrooke Street to Boulevard René Lévesque. In essence, it was a good gesture. However, no one quantified how much money it would cost the businesses that had to change their calling cards and letterhead. Every time we change the name of something in a panic, who can say no? We say yes, but then we realize that there is a cost attached to it. That is exactly the case for these 14 clauses in the bill, five of which are being introduced by the Alliance, five by the Bloc, one by an independent PC, two by the Liberals and one by the NDP. They are all in agreement.

I give as an example a member of the Bloc with whom I have an extremely good relationship, Madam Francine Lalonde. She is the member from Mercier. The bill purports to change the word "Mercier," which is an historical name in Quebec. He was a great man. He was a sovereignist in his own way. Here is a man who takes a hike and he will be replaced in his district by "le bout de l'île." I called her and asked, "Quel bout?" It is true that some people who live at the end of Montreal Island say, "I come from the end of the island, but during that time you disposed of the historical name Mercier." If I were to name the 15 changes, honourable senators would find them to be hilarious.

I will give another example. The name that Madam Tremblay wants to have changed is Rimouski-Neigette-et-la Mitis. She wants to change it to Rimouski-Neigette-et-La Mitis. It took me a few minutes to discover the difference. It is the same name, but "La Mitis" would be spelled with a capital "L" instead of a small "l". Being precise in French, for her it was a mistake. I must admit that this mistake was made by the Senate when this bill came forward the first time. The French and English versions were not in agreement. Bill C-441 is all about changing current names to other names.

Imagine being the Speaker of the House of Commons. The Speaker does not call on members by their name in the other chamber. It is becoming hilarious. I often sit in the gallery. I can report — and the Liberals will love this — that on the night of the big scandal in Public Works two nights ago, I could not sleep so I went to the see the debate. There were seven members sitting on the opposition side in the House of Commons and nine members on the government side all night for the biggest scandal of the century. If there were a real scandal, I imagine that there would have been at least 200 members present. That is how they proceed over there.

We must realize — and this is one of the places where I can be helpful — that we are continuing with a bad precedent. I favour the simplicity of names. I will propose an amendment in committee, but I will not process it here. I was ready to accept is one change of name. It is going from extravagance to a good historical name; that is, the district of Lévis. I had to see who was the member of that riding. I did not know if it was a Liberal member or a member of the Bloc. The name of the district changes from complicated to very simple — Lévis-et-Chutes-de-la-Chaudière to plain Lévis. Lévis is a highly historical name in the province of Quebec. That would be good for the Speaker of the other place and it would cost nothing.

If we pass this bill — and we will pass it, it seems — I would not object. However, I want to bring to the attention of honourable senators that some corrections should take place in the future. Simplicity should be the rule. No change should take place between censuses. What is the process? There is now a census that has been terminated, 10 commissions have been appointed to look into the redistribution of the seats in each province, and there will be an appeal. In return for letting this bill pass second reading today, my hope is that at least one witness will be called — and he is ready to appear — namely, the Chief Electoral Officer of Canada, to give his view as to what this represents. The Chief Electoral Officer should come here and give us his review. I discussed this with people at Elections Canada and they gave me good proposals. Once the census is finished, once the electoral committees of each of the provinces is appointed and once they publish their first report, we will know the names of the districts. Members of Parliament — that is, members of both the House of Commons and the Senate — should be allowed some input. I will go to the court if I do not like the outcome. I was always successful. Some ministers on the other side will remember that. They are members in the other place because of my representations. The first redistribution was wrong, and they were coming into my district, where they would not have been elected. The judge accepted the representation that I put forward and there was no opposition to it. That is the place to go. I think members who want to change the names of electoral districts should start reflecting on what kind of name they want. Once they have made that decision — and, as much as possible, these names should be historical — they should go to these commissions and

say, "I would like my district to be known as the following." That should be the end of it until the following census. That way, money would not be spent reprinting the maps. If we pass this bill today — and I suggest that we do so now — they will have to reprint all these names listed here. There will soon be a new map and new names. That is the way it is done.

As I do not see the senator who should properly refer this bill to committee, I will ask the Deputy Leader of the Government if he wants to propose the second reading of this bill and send it to committee. I am told that the Standing Senate Committee on Legal and Constitutional Affairs is the appropriate committee to receive the bill. I will not hold out any longer. I will keep my word. I said that I would speak to the bill this week and I kept my word. This bill should go to committee.

• (1620)

Perhaps the able Chair of the committee has heard about one witness. There are some who would be delighted to appear. This might force them to explain what they want. We could invite these 14 members to come to explain the meaning of this. I am sure two or three would come. I learn something about the history of Canada by talking to these people.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

On motion of Senator Robichaud, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

STUDY ON STATE OF HEALTH CARE SYSTEM

INTERIM REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kirby, seconded by the Honourable Senator Poulin, for the adoption of the seventeenth report of the Standing Senate Committee on Social Affairs, Science and Technology entitled: *Volume Five: Principles and Recommendations for Reform — Part 1*, tabled in the Senate on April 18, 2002.—(Honourable Senator Roche).

Hon. Douglas Roche: Honourable senators, as I enter into the current health care debate in the Senate, I wish to state at the outset that health care is a right, not a commodity. The values of the Canadian society that built the medicare system must be protected from, not subsumed into, the new marketplace conditions.

As we go forward in meeting the new challenges to health care, let us immediately reaffirm that governments have an obligation to use sufficient resources to implement health policy for the common good of all. The debate about health care reform involves the renegotiation of the social covenant defining social obligations and commitments between government and society.

This debate is taking place in a period of phenomenal growth in medical science and technology, which offers a range and level of health care that Canadians of previous generations could only dream of. However, the promise of better care does not come without a price tag. The amount of the bill, when it must be paid, how and by whom, has been the subject of intense debate across the political spectrum and has been studied for two years by the Standing Senate Committee on Social Affairs, Science and Technology.

With the tabling of Volume Five, the committee provided a guide to moving forward on these questions. I was heartened to learn yesterday that the Canadian Healthcare Association, which represents a broad range of health system managers and trustees, supports 18 of the 20 principles elaborated in Volume Five.

In offering some thoughts on Volume Five, I want also to make some suggestions for Volume Six, which will present recommendations on the financing and restructuring of health care.

First, let me commend the committee members and staff on the work they have done, and also thank the chairman for bringing before us such highly qualified experts.

I would also like to praise the Commission on the Future of Health Care in Canada, which I attended when the commission held hearings in Edmonton. I was very impressed with Roy Romanow's work and look forward to his main report.

The health care debate, thus far, has been essentially one about money. The list of what we expect from our health care system, and hence its cost, is growing, and can only continue to grow as new technologies and treatments become available, our population ages and Canadians become better informed and thus more demanding of better quality and timely access to their health care system.

However, funding has not grown at the same rate as our expectations. It is certainly true, when considering tax transfers, that the federal government has largely restored health care funding to the level it was at before the cuts in the mid-1990s to reduce the deficit. The government increased its cash contribution to health care to \$12.5 billion in 1998, invested an extra \$11.5 billion in 1999, injected \$2.3 billion into the provinces in 2000 to help bring health care technology up to date, and is increasing the total Canada Health and Social Transfer by \$21 billion between 2000 and 2005.

Although very welcome, in the face of rising cost pressures even this increase is inadequate to maintain the health care system as we know it. It is a fact that waiting lists continue to grow. Our health care system is at an important juncture and tough choices must be made.

However, agreement typically ends here. At one end of the spectrum are those who say that the system is in crisis, and that costs are spiralling out of control. At the other end are those who claim that the system is fine where it is and, with a few inefficiencies ironed out, it is perfectly sustainable. I believe the answer is somewhere in the middle. The health care system is definitely under stress, but it is not in crisis, and no dismantling is required.

Many terms are used interchangeably in the media and in discussions about what our options are: public, private, payer, insurer, for-profit, not-for-profit, et cetera. This confusion hints at the complexity of the subject. However, there has been an oversimplification in terms of the options being placed before Canadians. The choice has been boiled down to one between injecting more money into the system or accepting a parallel, private one.

The Volume Five report puts it this way: If the government decides not to fully implement all of the principles, especially Principle 20, the care guarantee principle, then we are effectively choosing the continued rationing of services and continuing lengthening of waiting lines that characterize the status quo. However, we are entitled to step back and ask why we are hinging all we are saying about health care on this one guarantee. Surely, guaranteeing a national home care system would produce a better result. Could it not be that we are setting ourselves up by saying "all or nothing"? Considering that some experts fundamentally disagree with some of the 20 principles outlined in Volume Five, this could very well be the case.

In other words, there are elements that lie outside this clean distinction and, by simplifying our challenge as an either/or issue, we are doing little to reduce the complexity of the decisions facing us.

The reason our task is so complex is that the question of health care reform is essentially one of values. The health care debate has so far been largely limited to one of private versus public financing. It is not, as some incorrectly claim, an exercise in choosing one over the other. We already have both. This is a fact often lost in the discussion.

More precisely, and as Volume Five correctly states, where best to draw the line between public and private involvement in the health care system is one of the issues that must be addressed in the overall debate about health care reform. To do so in a way that benefits all Canadians and ensures the best quality care demands a close look at what we value as a society, and what those values say about reform.

Although Volume Five states that it wishes to avoid this uniquely Canadian debate over ideology, it nonetheless touches upon it, as it should. The fact that Volume Five does not recommend user fees or private insurance is an expression of Canadian values.

Honourable senators, values are a necessary component of public policy-making, since we are tasked with making decisions for others. In this case, we are charged with ensuring the health of all Canadians and are thus involved with an emotionally charged issue that necessarily invokes a discussion of Canadian values. This is a good thing. We must understand the values that brought us to where we are, and we must remember them as we move forward with recommendations for the future.

• (1630)

A constant challenge from witnesses who commented on Volume Four, the preceding volume, was to change the focus of the discussion from the marketplace to a discussion of the core Canadian values that underpin the health care system. It was

rightly said that an understanding of these values and a critical analysis of new and emerging values can clarify our objectives, and thus provide a map to guide us through the funding options for health care reform.

What do Canadians value when it comes to funding health care? Dr. Nuala Kenny, Chair of the Department of Bioethics at Dalhousie University and former Deputy Minister of Health for Nova Scotia, summed them up for the committee. The first value is one of collective responsibility or solidarity. There is a sense that we are all in the same boat, and when we are talking about health care, we are talking about all Canadians.

A second key value is fairness, understood as equity, that is, a belief that we should treat people the same while taking into account individual differences.

The third value is compassion. This is the human dimension of health care, the recognition that the health care encounter touches on fundamental experiences related to illness, dependence and mortality. It is this human dimension that we risk losing in an increasingly commercialized view of health care.

The fourth Canadian value is one of efficiency in how the system manages its resources. The Canada Health Act makes an important point about efficiency. It expresses the conviction that delivering this kind of good is done better by the state than by the market.

It is the myriad of issues surrounding this last value that grab headlines and around which the committee has focused its energies. What are we aiming for in health care reform? Is it more efficiency, more caring, accountability, more choice or something else?

The Volume Five report does an important job in examining the single-insurer concept and in trying to come up with a better mix of public-private health care delivery. We must also focus on other core values and use them to define our objectives before we get into any implementation exercise that would serve to undermine them.

I am specifically worried that there may be a drift towards what Dr. Arnold Relman, Professor Emeritus of Medicine and Social Medicine at Harvard Medical School and Emeritus Editor-in-Chief of *The New England Journal of Medicine*, when he appeared before the committee, referred to as the commercialization of medicine and of health care systems. I was surprised that the testimony of such a distinguished witness did not find its way into the report.

I share Dr. Relman's concern that commercialization would compromise other values that do not necessarily involve a price tag. Zeroing in on these values is an essential exercise in ensuring that any recommendations have relevance in the Canadian context. In other words, honourable senators, we must address the troubling disconnect between talk of values and talk of reform if reform is to be effective.

On this point, I should like to commend the Ecumenical Health Care Network for its work on a covenant of Canadian values that underpins the health care system. The Romanow commission is taking the idea seriously as a way to help underpin the values that need to be affirmed in organizing reform.

To date, the dominant language of reform has been the language of the market. The notion is that we can simply transplant the logic of the marketplace into the health care system and thus introduce a degree of competition that would theoretically lead to greater efficiency. Let Adam Smith's "invisible hand" do the work. Although it seems to work well for fast-food chains, cars and coffee, I would suggest, and I think most Canadians would agree, that health care represents a unique social challenge that is not readily adaptable to market logic.

It is no surprise that market values are often embraced when talking about health care reform. They are widely embraced in our society and provide the fuel for liberal democracies throughout the world. However, health care represents an entirely different challenge. With health care, we are talking about a public good provided to all, without exclusion, whereas the market, by its very nature, is exclusive: Goods go to those who can afford to pay for them. In other words, we simply cannot impose market mechanisms on health care as we do with other sectors of the economy and expect the creases to be ironed out by the law of supply and demand. Regulations may promise some degree of confidence to market advocates, but the fact remains that governments are best suited to provide social goods, whether education, security or health.

In practice, there are aspects of our health care system that are for profit. Hospitals, for instance, must make up some 30 per cent of their own budgets by turning a profit at the cafeteria or by renting television sets, private rooms and so on. The difference is that this profit is reinvested into the hospital and thus the bottom line remains the care of patients and not dividends paid to shareholders. The key is to ensure that market values do not interfere with other important values.

Take the market value of choice, for instance. Who could argue against increased choice unless, of course, we consider that choice is often congruent with privilege? User fees, privatized services, medical savings accounts can all increase choice for those who can afford it. Where does this leave the value of fairness?

The editorial in the May 28, 2002, issue of *Canadian Medical Association Journal* stated:

The trouble is that health care is such a complex and fatally *human* institution that any attempt to "rationalize" any part of it has unintended consequences.

The Hon. the Speaker pro tempore: Honourable senator, I regret to inform you that your speaking time has elapsed.

Senator Roche: Honourable senators, I would seek leave to continue.

The Hon. the Speaker pro tempore: Honourable senators, is leave granted?

Hon. Bill Rompkey: Honourable senators, we would be prepared to allow perhaps three minutes for Senator Roche to finish.

The Hon. the Speaker pro tempore: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Senator Roche: Thank you, honourable senators.

The recent study by Dr. Philip Devereaux, of McMaster University, which was published in the same issue of the *Canadian Medical Association Journal*, suggests a higher death rate in for-profit hospitals. This finding should serve as a warning to those who would implement reforms without first understanding their consequences. This view was reinforced for the committee yesterday when it heard from Ms Sharon Sholzberg-Gray, President and CEO of the Canadian Healthcare Organization. Her organization is very much opposed to Volume Five's Principle 13, which, if implemented, would create internal markets. I certainly do not want internal markets to be an invite to private corporations to flood the system.

The Canadian Healthcare Association urged the committee to consider the inherent problems with internal markets and the United Kingdom's failure in trying to implement them. All of the evidence suggests that, by creating this extra market layer in the health care system, we would be driving up costs.

With regard to the Canadian Healthcare Association's concern with Principle Eight, service-based funding, it appears that the committee and the association are closer than originally thought, in light of yesterday's meeting.

I close on my essential point: We must let our values guide us if we are to clarify our objectives and thus provide sound recommendations in Volume Six as to how the system should be financed. In recommending solutions that only address economic efficiency without first studying their potential impact on other core Canadian values, we will have made little progress. We must strike a balance between the efficiency needed for economic sustainability and the moral and ethical demands of health care.

• (1640)

Framed this way, the financing debate can lead to only one conclusion: Since we value health care as a public good and since the government most efficiently provides the administration and funding of health care, it is government that must lead the reinvestment in the health care system. Along with restructuring and better efficiency, Canadians want the medicare system widened. The provision of home care, for those who cannot take care of themselves but who do not need the services of high-tech hospitals, should be publicly funded in an appropriate manner. This would meet a growing need and reduce hospital costs. The May 27, 2002 Pollara survey that found some 70 per cent of Canadians willing to pay more to improve health care is a reassuring sign that the government would have public support moving in this direction. The federal government certainly has in it the capacity to properly finance health care. All it needs is the political will to implement it. A dedicated tax that is equitable should be instituted.

We are currently hearing calls for more government spending on the military. This must not be done at the expense of meeting the health care needs of Canadians. As the Prime Minister correctly stated, the military must compete with other spending priorities. In giving priority to the health of Canadians, the government would be sending a clear signal that it intends to

remain the guarantor of a health care system for all Canadians. The nature and humaneness of a society in which current and future generations will live depends on such decisions.

Hon. Catherine S. Callbeck: Honourable senators, it is my pleasure today to rise and to speak to the recent report of the Standing Senate Committee on Social Affairs, Science and Technology concerning the state of the health care system in Canada. Let me begin by thanking Senator Kirby and Senator LeBreton, the chair and deputy chair of the committee. This report is the result of their leadership, the hard work of all the committee members, the researchers and the clerk, as well as the expertise and the testimony of witnesses.

In my comments today, I will provide a brief overview of some of the committee's main findings and will highlight some of the gaps in our health care safety net that I feel are of particular concern to Canadians, especially Atlantic Canadians. Such gaps include the coverage of drug costs and home care.

After hearing the testimony of hundreds of individual Canadians and organizations, the committee drew three important conclusions that form the basis of our report. The first conclusion that we came to is that, as it is, our health care system is not fiscally sustainable. It desperately needs the infusion of new funds. There must also be stability and predictability in health care funding.

Our second conclusion comes with the realization that the simple addition of new funds alone will not revive our health care system. Rather, the new funds must be coupled with a restructuring of the system. We need to ensure that it is functioning as efficiently as possible. For example, as Senator Keon told us, restructuring will help to solve problems, such as manpower problems. This will help to ensure that the health care professionals are able to function at their full potential — that doctors are not doing the work of nurses, and nurses the work of nurses' aides, as is currently the situation. I will not discuss in detail those two conclusions as they have already been talked about by other members of the committee in this chamber.

The third conclusion we reached is that the federal government has a strong role to play, and the public expect the government to play this role. For example, regarding funding and the federal role, Principle 5 of the report states:

The federal government should contribute on an ongoing basis to fund health care technology.

Principle 6 says:

The federal government should increase its investment in those areas of health and health care for which it already has a major responsibility.

In addition to its role as funder, the government must play a role in the human resources crisis that is facing our system. Toward this end, Principle 14 states:

A national (not exclusively federal) strategy must be developed to achieve both an adequate supply and optimal use of health care providers.

I feel that the development of such a strategy is vital, and join my colleagues in their concern about the shortage of health care professionals. For example, as the Canadian Nurses Association told the committee, there will be an estimated shortfall of at least 59,000 nurses by the year 2011. This shortfall could even be as high as 113,000 if all the needs of an aging population are taken into account.

The shortage of health care professionals is particularly prominent in rural and smaller areas of Canada. As the President of the Society of Rural Physicians of Canada told the committee early in our study:

Rural Canada has 9 million people and is growing. It is scattered over 10 million square kilometres. The number of physicians serving this population is proportionately under half of that serving those in the cities.

Many rural areas and smaller provinces, such as my home province of Prince Edward Island, have a difficult time attracting and keeping health care workers. Currently, 37 per cent of the doctors in Prince Edward Island are over the age of 50, and many are considering retirement. However, it is very difficult to find replacements.

A recent article in the *Journal-Pioneer*, one of Prince Edward Island's local newspapers, exemplifies the problem well. In early May, the Journal did a story on Dr. Kent Ellis. Dr. Ellis will be retiring in July after practising medicine on the island in a rural area for 43 years. He will soon turn 70, and works between 70 and 90 hours a week. It has taken him years to find someone to replace him. It is getting harder in all areas to secure sufficient doctors, but especially in rural areas. It is very important that the federal government play a role in the human resources crisis in our health care system.

The committee also found that there is a leadership role to be played by the federal government. For example, Principle 19 of the report states:

Programs that enable people to be responsible for their own health and to stay healthy must be given high priority...

The federal government should play a leadership role in implementing the population health strategy for all Canadians. This is particularly important as we are increasingly seeing the impact that irresponsible lifestyle choice has on the health care system. Obesity is a good example of this. Obesity rates are increasing across Canada, especially in children. This leads to a number of health problems, such as the onset of diabetes. Thus population health can improve the overall health of Canadians and save the health care system thousands of dollars.

Honourable senators, it must be noted that if we are to ask Canadians to take more responsibility for their own health and to evaluate what they are willing to pay for, it is fundamental that the system is structured in such a way that will provide Canadians with confidence that their commitments are being taken seriously. One way of instilling such confidence is outlined in Principle 20 of the report, which states:

For each type of major procedure or treatment, a maximum waiting time should be established, and made public. When this maximum time is reached, the insurer

(government) shall pay for the patient to receive immediately the procedure or treatment in another jurisdiction including, if necessary, another country.

Today, too many Canadians complain about the long waiting lists for procedures. This recommendation would reduce the complaints and certainly instill Canadians' confidence in our health care system.

• (1650)

Honourable senators, this report has been well received. However, the committee still has a lot of work to do. We have many difficult issues to consider. For example, as I have alluded to, we will have to examine how the differences between rural and urban areas will impact the implementation of the principles and recommendations offered in this report. What might work well in urban centres may not be feasible in smaller areas.

We will also have to examine policy that could be used to close the gaps in our health care system to ensure that no Canadian suffers undue financial hardship to receive the treatment they need. This is of utmost importance, as we are hearing that many Canadians, particularly those residing in the Atlantic provinces, have no protection against catastrophic levels of drug expense.

I have spoken in this chamber of the situation of an Islander, Wilna Toombs, who was told she must liquidate all her assets before the government would provide her with any help in paying for the drugs she needs to survive. The cost of these drugs is approximately \$100,000 a year. We need some kind of pharmacare program in Canada to take care of these catastrophic drug prices. This problem is particularly visible in Atlantic Canada, where Canadians spend more per capita annually on drugs than any other region in Canada.

Senator Roche has mentioned home care, and I want to briefly talk about it. It represents another significant gap in our health care safety net. Spending on home care continues to be very limited. As many witnesses told the committee when we were working on Volume Two of the report, they were very concerned that individuals who need home care services do without them because they cannot endure the cost. For example, in 1999, *The Toronto Star* reported on a cross-Canada survey that indicated that home care clients had to spend an average of \$283 per week for home care services.

Honourable senators, it is very important that we address home care, not only to ensure that Canadians receive the services that they need, but also as a means to improve the overall efficiency of our health care system. As one witness from the Canadian Home Care Association told the committee, there are four fundamental benefits to home care. First, it enables the health care system as a whole to operate more cost-efficiently. Second, it reduces pressure on acute care beds and emergency rooms by providing medical interventions in alternative settings and using hospital resources only when they are needed. Third, it reduces the demand for long-term beds by providing a viable choice for aging Canadians to maintain their independence and dignity in their own homes and communities. Finally, it helps support family caregivers to sustain their commitment.

In closing, honourable senators, it is important that we deal with issues affecting the health care system now in order to ensure that health care continues to be something that instills pride in Canadians. I extend an invitation to all of senators and to all

Canadians to read the report, and encourage you to offer your opinions as to how the various recommendations could be implemented. The committee welcomes all comments and feels it is important for Canadians to be involved in the process of discussing changes to the health care system, as ultimately they will have to determine what they want the health care system to include.

On motion of Senator Pépin, debate adjourned.

[Translation]

**CONSULTATION PROCESS OF INDIAN AFFAIRS AND
NORTHERN DEVELOPMENT DEPARTMENT ON
ABORIGINAL SELF-GOVERNMENT**

INQUIRY—DEBATE ADJOURNED

Hon. Aurélien Gill rose pursuant to notice of June 4, 2002:

That he will call the attention of the Senate to the consultation process by the Department of Indian and Northern Affairs regarding self-government and governance.

Honourable senators, I recently read the speech delivered on April 18 by the Minister of Indian Affairs and Northern Development, entitled "Beyond the Indian Act."

This speech deals with federal policies on aboriginal self-government. I believe that everything is in this text and that the essence of the Canadian position is presented in it.

I would like to share with you some of my reactions and comments. Let me say from the outset that they are more positive than negative.

No one can claim that the Minister of Indian Affairs and Northern Development does not know his files and, more important, that he is not aware of the realities to which we are all confronted.

The minister considers, and rightly so, that we are at a turning point in our history and that we can no longer wait 50 years to drastically change the course of things. The Indian Act is obsolete and, above all, it is shameful.

It was drafted in another era by thinkers who had a different mentality. In fact, today, these people would be very surprised to see us debate the future of the First Nations, since the whole act is based on the principle that the Indians had no future as Indians and members of a First Nation. Thankfully, mentalities have changed.

However, the act is still there, and this is the problem. The minister, who wants to move ahead on this issue, recognizes that the Indian Act is a major obstacle on the path to self-government.

He is making an honourable attempt to eliminate or circumvent the most difficult obstacles, including federal trusteeship, which still exists.

In fact, the measure called "First Nations Governance Initiative" seeks to break the historical and cumulative effects of the trusteeship. In principle, no one can be opposed to rigour, accountability, responsibility and a better control of finances, resources and basic information. It is of course necessary to put some order in the general administration of Indian communities and affairs. Where does this disaster come from, if not from the extended federal trusteeship, through the power of the "father in trust" of all Indians, namely the minister or his representative? The administration of Indian Affairs in this country has left a deep imprint on habits and mentalities. Our leaders were humiliated for a long time.

[English]

I have vivid memories of what a band council was in 1950: a puppet in the hands of the Indian agent, who exercised all the powers and made all the decisions. That is why I got into politics, to do what I could to reverse this situation.

• (1700)

[Translation]

In my mind, the Indians had to take back power at its roots, as they say. However, the road to change is long. I can bear witness to that before you. I, like so many leaders of my generation, will tell you that the obstacles were and remain numerous. Something has always been in the way somewhere. You need not worry, I am not going to dredge up the past in its entirety. The minister puts it clearly and is the first to recognize the abuses of paternalism and the terrible effects of dispossession on all native peoples. Like him, I know that the future stretches before us, and we have certainly moved on.

Since the time of my youth, in the past 50 years, what has changed? What has not changed? The Canadian Constitution now recognizes our existence, our rights and our contributions to this country. This is a huge step. For the past 40 years, we have been negotiating our territorial rights throughout Canada. The minister points out that the process is lengthy and costly. The legal passage is narrow, fraught with disputes and, I will say it again, costly. I agree totally with that statement.

The process is in fact reductive, and the minister recognizes, furthermore, that the federal government cannot itself establish the value of the claims. However, in this litigious context, where the lawyers have become too important, where the judges are exhausting themselves rather than the politicians, a new generation of native leaders has nevertheless learned its lessons.

Yes, the native peoples have more power than they have had nationally or in the context of the federal political agenda, but locally, have things really changed?

The band councils are at the mercy of every wind because they are a product of the system of trusteeship. As we speak, social and economic conditions on the Indian reserves are deplorable, as deplorable as they have been in the past.

Forty years ago, a broad national consultation process was organized with leaders and communities, and the conclusion reached was that economic development was desperately needed by the aboriginal communities. Efforts have been made since then. Money has been spent, but we are still just about in the same place. Indian reserves are not propitious places for economic development, or for social and cultural development. The key to these lies in the capacity for self-government, for this is the source of the pride required for the responsible administration of projects.

We have been talking about economic development of Aboriginal communities for many moons without changing a thing. There must be a hang-up somewhere, if we have not been able to make any progress. In the speech I have already referred to on First Nations governance, it is clear that the minister is very much attuned to these issues and very much abreast of developments. We cannot help but agree with the points he raises. He also says how urgent it is to better manage the economic environment, to foster self-government and to break with the past.

[English]

It is promoting new approaches, new laws, that prove it is possible to achieve a better management of land and resources, money and finances. Most of the minister's measures are good ones, and they are rooted in a spirit of justice. I want to underline that spirit.

[Translation]

However, I see a problem, a problem that is not the minister's responsibility, but one that he will have to deal with. It is true that First Nations' governance policy has not provoked much enthusiasm among Aboriginal political classes. It is true that it is extremely difficult to establish strong lines of communication between parties. One has to wonder why communication is always difficult between people who are dealing in good faith. I think that the problem stems from the political nature of the reality we all want to improve.

The minister has to work with the legacy of the act. Band councils and everything related to these councils are the product of the act. Our nations' leadership was decapitated for more than a century and the Indian reserve is the symbol of this decapitation. In the past, our societies spawned great political leaders. We know how to be as responsible as anyone else, but we have been robbed of this power for a long time and our political will has been denied for a long time. I am coming back to this point because it seems critical to me. The minister's ideas are good and his intentions are also good, but he will not succeed without the support of aboriginal leaders. If he does not get this full support, he needs to make getting it a priority. The only way to bring aboriginal leaders on board is by truly confirming their responsibilities.

The Indian Act never recognized our peoples. It talks about Indians and kinds of Indians from a legal and administrative point of view. There are no peoples, only statuses. I am both fascinated and worn out by the ambiguity surrounding the notion of First Nation.

In the Province of Quebec, my home province, when we talk about First Nations, we mean Innu, Cree, Mi'kmaq, Anishinabe, and so on. However, too often, when the term First Nation is used

in Canada, what is meant is a band, a band council, or an Indian reserve. This is wrong. We are peoples. First Nation peoples must be recognized throughout Canada because, with rare exceptions, an Indian reserve is not a First Nation.

Recognizing authentic cultural and political entities promotes the emergence of new political structures, and these political structure are not, nor will they be, band councils. They are original political organizations, systems that must be created if necessary, new political realities we need throughout Canada. These realities will only come about if we create them. We must leave behind the limitations of the Act, the straitjacket of the Indian reserve and the band council.

Assuming that it survives real self-government, yes, the latter must administer its budgets properly, be accountable and have the necessary powers for good local government.

[English]

However, it is the national structures, the leaders who are active in those structures, and if necessary the Canada-wide structures of the First Nations, which must see to the implementation of an effective system through their own political powers. The federal government cannot act in place of our leaders, and it cannot breathe new life into the old ways of doing things.

[Translation]

A First Nation is not an Indian reserve, and all of the old ideas in the former policy have to disappear in favour of an entirely native political world. I know that the Minister of Indian Affairs shares this general view, but that he thinks we can no longer wait.

He thinks that we must act quickly, long before the ideal solution has been found. Still, I insist, although I share the minister's hopes, and although I am happy to see how far we have come, I contend that it is time to return political power to its rightful holder.

If there is cleaning up to do, our leaders will look after it. They will try out the new structures. They too are concerned about the future, better health and prospects for our people. Every major change must go through our political classes. For the time being, however good I consider the work of the minister, I believe that the fault I spoke of remains unchanged. The solution is not coming from native peoples, it is coming from a federal perspective.

We can do no good without the authority that goes with it. It is vital in the very near future that discussions on change never be at odds with the pride of the native political class. I am all too familiar with this. I do not want any more of it.

I think the prime investment must be in building productive links between native leaders and the government, which is looking for solutions to this Canadian problem that has gone on for too long.

We are entering a historic period in which the native peoples will be responsible for their future. Where societies normally take full charge of their success and their failures.

On motion of Senator Watt, debate adjourned.

• (1710)

[English]

NATIONAL FINANCE

COMMITTEE AUTHORIZED TO EXAMINE ADMINISTRATIVE CONTRACT AT GOOSE BAY, LABRADOR AIRFIELD

Hon. Bill Rompkey, pursuant to notice of May 30, 2002, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the administrative contract now in existence at the Goose Bay, Labrador airfield, as well as the Request for Proposals to renew the contract, to ascertain the effectiveness of this method of base operations in Canada in providing services for both military and non-military training activities;

That the Committee submit its final report no later than July 12, 2002; and;

That the Committee be permitted, notwithstanding usual practices, to deposit the report with the Clerk of the Senate, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

He said: Honourable senators, I know the hour is late, but I do feel that I have to put on the record some of the reasons for this motion and the situation behind it.

To put it simply, as I said to Senator Murray some time ago, this contract will be administered in a manner similar to that of Devco. We can remember the work the Senate did on that. Goose Bay is a single-industry, isolated northern town which feels that its future is in some doubt, and I wish to give those who have that concern an opportunity to be heard and to analyse the situation and recommend what might be done to prevent any loss of industry and employment in that community.

Before the Second World War there was no community in Goose Bay. People came from the coast to build homes, schools, churches, hospitals and businesses, and those are still there. However, the economic foundation of the community is still military, defence, and I would underline that one-third of the members of the Labrador Inuit Association live in Goose Bay, and many are associated with the base or the work done on that base.

Not all of the people who live in Goose Bay are Aboriginal. Some are from the Island of Newfoundland and elsewhere. As a community, they think that their future is in doubt.

Since 1994, the Government of Canada has operated what they call "alternative service delivery," and Goose Bay was the first defence base to be operated under that system in the country. That means is that a private company has a contract with DND to operate the base. That company is a British company called Serco. The contract is up for renewal, which has given people some concern, as there already has been some downsizing and loss of employment as a result of the letting of the contract.

There is a substantial community of 10,000 people, with 1,000 jobs at the base. That is the underpinning of the economic foundation of the community. It is in the context, though, of perhaps the biggest and richest nickel mine in the world, which many people predict will start soon as result of negotiations between the Government of Newfoundland and Labrador and Inco. The stopping-off point for that mine will be Goose Bay. It will be a fly-out centre. It will not be a dormitory town, but a communications and transportation centre for the mine.

However, I do not believe, and nor do they. I think, that this will provide a complete economic foundation for that community. Presently, there is still a need to attract the air forces of the foreign nations that fly in and out of that base. I am referring to the Royal Air Force, the Royal Netherlands Air Force, the Italian Air Force, the air forces of those NATO countries that train at Goose Bay and have since the 1960s and 1970s. That is the economic foundation of the community. They pay for those services in good currencies. The problem is that, while DND has to fund the base, the money goes to the Minister of Finance, whoever he happens to be at any given time.

That, in a nutshell, is why I want this motion to be passed, and why I want to see the situation analysed.

What is the intention of the allies? The Dutch have already said that they are looking for alternate venues to carry on their operations, and the fear is this may provide some sort of domino effect.

How has the contract worked? Has proper marketing been done of both civilian and military training? Could the alternate service delivery be provided in another way? What is the continuing government commitment to Goose Bay? These are questions that I think are legitimate, that we need and want answered, and people very much want the Senate to provide a forum to air their views and, hopefully, put a fair and equitable analysis on the situation.

I trust that honourable senators will support this motion.

Hon. Lowell Murray: Honourable senators, first, and parenthetically, with regard to Voisey's Bay, I cannot forbear to mention that it appears this project will go ahead if the negotiations between Inco and the Government of Newfoundland and Labrador succeed. However, it is important, indeed vital, as appears to be the case, that the Minister of Finance opens his purse and puts in something in excess of \$100 million by way of sweetening the project. I felt I should mention that in justice to the new Minister of Finance, who would want me to do that, even though Senator Rompkey has neglected to do so. I am not sure Mr. Tobin would want to make much of it, but let us put on the record what the main considerations are in getting this long-awaited, if that is what it is, project at Voisey's Bay.

I do appreciate the courtesy of my honourable friend in alerting me some days ago of his intention to propose this reference to the Standing Senate Committee on National Finance. He has also consulted with other members of the committee on this matter, as I have done. He has made the case convincingly enough as to the importance of this matter, in particular to the people of Newfoundland and Labrador, and I do not for a moment dispute anything he has said in that respect.

I rise simply to make a few points for the benefit of the house with regard to the Standing Senate Committee on National Finance. Honourable senators will be aware that we have had quite a heavy agenda in recent times and we continue to have quite a heavy agenda.

• (1720)

I presented two reports earlier today, and we still have before us the Main Estimates for 2002-03. More specifically, we have embarked on a study of the financing and accountability of arm's-length foundations that have been set up by the government for public policy purposes. In that respect, on Wednesday, June 12 we will have before us Mr. Maurizio Bevilacqua, Secretary of State for International Financial Institutions, and Mr. Kevin Lynch, Deputy Minister of Finance. At the initiative of Senator Cools, the deputy chair of the committee, and with considerable interest on the part of, among others, Senator Kinsella, we will also open up a subject that I think will not be easily shut down — the activities of the National Capital Commission. Mr. Marcel Beaudry, Chairman of the NCC, will be before us on Tuesday, June 11.

Honourable senators, the reference that Senator Rompkey has put forward calls upon us to deal with this matter of the Goose Bay airfield and base and to report by July 12. Senator Rompkey has indicated to me that hearings would take no more than two days, and I accept that. He has gone so far as to propose a list of witnesses, if this reference is passed.

If the Senate should rise for the summer on or around June 14, that would mean that the committee would have to undertake this reference after the Senate has adjourned for the summer. I have no objection to that. I live 60 kilometres from Ottawa and I have no problem in attending. However, if we are to pass this reference, there should be some undertaking on the part of the leadership on both sides that it will be possible to produce a working quorum for such meetings, which I would convene probably in the week beginning June 17.

As well, I have to tell the Senate that our staff resources are quite limited — our budget is very low. I do not feel that I can add this project to the others in which the staff from the Parliamentary Library are now engaged. It would, therefore, be my intention, if this motion passes, to engage some research assistance from outside our usual sources at the Parliamentary Library. This will cost money, and I say that for the information of my colleague Senator Kroft, who is Chairman of the Standing Committee on Internal Economy, Budgets and Administration, and for the information of his colleague Senator Furey, who is the Chairman of the Subcommittee on Budgets. I will have to go, cap in hand, to find funding for research assistance. I am aware that the kitty is almost depleted in terms of research funds, although there is some money left. I am also aware, with respect to the money that remains, that Senator Kenny of the Standing Senate Committee on National Security and Defence and Senator LaPierre of the putative Subcommittee on Canada's Cultural Identity are already jostling at the trough for the few dollars that are left.

I simply want to flag those issues for the benefit of honourable senators and, of course, to assure them that, subject to these considerations being taken into account, the committee and I are, as always, in the hands of the Senate.

Some Hon. Senators: Hear, hear!

Hon. John Lynch-Staunton (Leader of the Opposition): I am quite in favour of Senator Rompkey's motion, but Senator Murray has posed some problems that are not insoluble, and I would hope that someone somewhere would say: "Yes, the funds are available, and membership on the committee is available." I would have to consult my caucus on Tuesday to find out if the members of the Standing Senate Committee on National Finance or substitutes are available after the break. I would be hesitant to say yes today and then find that, in a few days, I have to come back and say, for whatever reason, that we cannot guarantee membership on this side.

Senator Murray: With regard to the second matter, I am happy to inform my leader that I consulted with Senator Doody, who is a member of the committee and who shares Senator Rompkey's interest. He will be there, and Senator Bolduc has indicated that, during the week of June 17, he could be present. There remains only Senator Stratton, who may want to reflect on the matter over the weekend.

There also remains the money question. While no one can commit anyone, I suppose I would like to have some earnest of best efforts from someone on this matter.

Senator Rompkey: On the point of membership, I have consulted with our people and I think we will have a complement on the committee, including myself. On the question of finance, while I cannot obviously say anything definitive today, we have had some discussions, and we are exerting whatever influence we have on that particular issue.

We must leave it on a positive note at this time.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[Translation]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate, and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, June 11, 2002 at 2 p.m.

The Hon. the Speaker pro tempore: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, June 11, 2002, at 2:00 p.m.

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

(1st Session, 37th Parliament)

Thursday, June 6, 2002

GOVERNMENT BILLS (SENATE)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act respecting marine liability, and to validate certain by-laws and regulations	01/01/31	01/01/31	—	—	—	01/01/31	01/05/10	6/01
S-3	An Act to amend the Motor Vehicle Transport Act, 1987 and to make consequential amendments to other Acts	01/01/31	01/02/07	Transport and Communications	01/05/03 amended 01/05/09	3	01/05/10	01/06/14	13/01
S-4	A First Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	01/01/31	01/02/07	Legal and Constitutional Affairs	01/03/29	0 + 1 at 3rd	01/04/26	01/05/10	4/01
S-5	An Act to amend the Blue Water Bridge Authority Act	01/01/31	01/02/07	Transport and Communications	01/03/01	0	01/03/12	01/05/10	3/01
S-11	An Act to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other Acts in consequence	01/02/06	01/02/21	Banking, Trade and Commerce	01/04/05	17 + 1 at 3rd	01/05/02 Senate agreed to Commons amendments 01/06/12	01/06/14	14/01
S-16	An Act to amend the Proceeds of Crime (Money Laundering) Act	01/02/20	01/03/01	Banking, Trade and Commerce	01/03/22	0	01/04/04	01/06/14	12/01
S-17	An Act to amend the Patent Act	01/02/20	01/03/12	Banking, Trade and Commerce	01/04/05	0	01/05/01	01/06/14	10/01
S-23	An Act to amend the Customs Act and to make related amendments to other Acts	01/03/22	01/05/03	National Finance	01/05/17	11 + 2 at 3rd 01/06/06	01/06/07	01/10/25	25/01
S-24	An Act to implement an agreement between the Mohawks of Kanesatake and Her Majesty in right of Canada respecting governance of certain lands by the Mohawks of Kanesatake and to amend an Act in consequence	01/03/27	01/04/05	Aboriginal Peoples	01/05/10	0	01/05/15	01/06/14	8/01
S-31	An Act to implement agreements, conventions and protocols concluded between Canada and Slovenia, Ecuador, Venezuela, Peru, Senegal, the Czech Republic, the Slovak Republic and Germany for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	01/09/19	01/10/17	Banking, Trade and Commerce	01/10/25	0	01/11/01	01/12/18	30/01

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-33	An Act to amend the Carriage by Air Act	01/09/25	01/10/16	Transport and Communications	01/11/06	0	01/11/06	01/12/18	31/01
S-34	An Act respecting royal assent to bills passed by the Houses of Parliament	01/10/02	01/10/04	Rules, Procedures and the Rights of Parliament	02/03/05	4 + 1 at 3rd	02/03/19	02/06/04	15/02
S-40	An Act to amend the Payment Clearing and Settlement Act	02/03/05	02/03/12	Banking, Trade and Commerce	02/03/14	0	02/03/19	02/06/04	14/02
S-41	An Act to re-enact legislative instruments enacted in only one official language	02/03/05	02/03/20	Legal and Constitutional Affairs	02/06/04	5			

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-2	An Act to amend the Employment Insurance Act and the Employment Insurance (Fishing) Regulations	01/04/05	01/04/24	Social Affairs, Science and Technology	01/05/03	0	01/05/09	01/05/10	5/01
C-3	An Act to amend the Eldorado Nuclear Limited Reorganization and Divestiture Act and the Petro-Canada Public Participation Act	01/05/02	01/05/10	Energy, the Environment and Natural Resources	01/06/06	0	01/06/12	01/06/14	18/01
C-4	An Act to establish a foundation to fund sustainable development technology	01/04/24	01/05/02	Energy, the Environment and Natural Resources	01/06/06	0	01/06/14	01/06/14	23/01
C-6	An Act to amend the International Boundary Waters Treaty Act	01/10/03	01/11/20	Foreign Affairs	01/12/12	0	01/12/18	01/12/18	40/01
C-7	An Act in respect of criminal justice for young persons and to amend and repeal other Acts	01/05/30	01/09/25	Legal and Constitutional Affairs	01/11/08 negated 01/12/10	11 1 at 3rd 01/12/13	01/12/18	02/02/19	1/02
C-8	An Act to establish the Financial Consumer Agency of Canada and to amend certain Acts in relation to financial institutions	01/04/03	01/04/25	Banking, Trade and Commerce	01/05/31	0	01/06/06	01/06/14	9/01
C-9	An Act to amend the Canada Elections Act and the Electoral Boundaries Readjustment Act	01/05/02	01/05/09	Legal and Constitutional Affairs	01/06/07	0	01/06/13	01/06/14	21/01
C-10	An Act respecting the national marine conservation areas of Canada	01/11/28	02/02/05	Energy, Environment and Natural Resources	02/06/05	0			
C-11	An Act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger	01/06/14	01/09/27	Social Affairs, Science and Technology	01/10/23	0	01/10/31	01/11/01	27/01
C-12	An Act to amend the Judges Act and to amend another Act in consequence	01/04/24	01/05/09	Legal and Constitutional Affairs	01/05/17	0	01/05/29	01/06/14	7/01
C-13	An Act to amend the Excise Tax Act	01/04/24	01/05/01	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	15/01
C-14	An Act respecting shipping and navigation and to amend the Shipping Conferences Exemption Act, 1987 and other Acts	01/05/15	01/05/30	Transport and Communications	01/10/18	0	01/10/31	01/11/01	26/01

no.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-15A	An Act to amend the Criminal Code and to amend other Acts	01/10/23	01/11/06	Legal and Constitutional Affairs	02/02/19	2 + 1 at 3rd 02/03/12	02/03/19 Message from Commons agreeing with two amends, and disagreeing with one 02/04/24; Referred to Legal Cite 02/05/07; Report from Cite (Senate does not insist) adopted 02/05/09	02/06/04	13/02
C-15B	An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act	02/06/04							
C-17	An Act to amend the Budget Implementation Act, 1997 and the Financial Administration Act	01/05/15	01/05/30	National Finance	01/06/07	0	01/06/11	01/06/14	11/01
C-18	An Act to amend the Federal-Provincial Fiscal Arrangements Act	01/05/09	01/05/31	National Finance	01/06/12	0	01/06/12	01/06/14	19/01
C-20	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2001	01/03/21	01/03/27	—	—	—	01/03/28	01/03/30	1/01
C-21	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/03/21	01/03/27	—	—	—	01/03/28	01/03/30	2/01
C-22	An Act to amend the Income Tax Act, the Income Tax Application Rules, certain Acts related to the Income Tax Act, the Canada Pension Plan, the Customs Act, the Excise Tax Act, the Modernization of Benefits and Obligations Act and another Act related to the Excise Tax Act	01/05/15	01/05/30	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	17/01
C-23	An Act to amend the Competition Act and the Competition Tribunal Act	01/12/11	02/02/05	Banking, Trade and Commerce	02/05/02	1	02/05/09	02/06/04	16/02
C-24	An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts	01/06/14	01/09/26	Legal and Constitutional Affairs	01/12/04	0 + 1 at 3rd	01/12/05	01/12/18	32/01
C-25	An Act to amend the Farm Credit Corporation Act and to make consequential amendments to other Acts	01/06/12	01/06/12	Agriculture and Forestry	01/06/13	0	01/06/14	01/06/14	22/01
C-26	An Act to amend the Customs Act, the Customs Tariff, the Excise Act, the Excise Tax Act and the Income Tax Act in respect of tobacco	01/05/15	01/05/17	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	16/01
C-27	An Act respecting the long-term management of nuclear fuel waste	02/03/05	02/03/20	Energy, Environment and Natural Resources	02/06/06	0			
C-28	An Act to amend the Parliament of Canada Act, the Members of Parliament Retiring Allowances Act and the Salaries Act	01/06/11	01/06/12	—	—	—	01/06/13	01/06/14	20/01

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-29	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/06/13	01/06/14	—	—	—	01/06/14	01/06/14	24/01
C-30	An Act to establish a body that provides administrative services to the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court and the Tax Court of Canada, to amend the Federal Court Act, the Tax Court of Canada Act and the Judges Act, and to make related and consequential amendments to other Acts	02/03/05	02/03/12	Legal and Constitutional Affairs	02/03/21	0	02/03/27	02/03/27	8/02
C-31	An Act to amend the Export Development Act and to make consequential amendments to other Acts	01/10/30	01/11/20	Banking, Trade and Commerce	01/11/27	0	01/12/06	01/12/18	33/01
C-32	An Act to implement the Free Trade Agreement between the Government of Canada and the Government of the Republic of Costa Rica	01/10/30	01/11/07	Foreign Affairs	01/11/21	0	01/11/22	01/12/18	28/01
C-33	An Act respecting the water resources of Nunavut and the Nunavut Surface Rights Tribunal and to make consequential amendments to other Acts	01/11/06 (withdrawn 01/11/21)	01/11/27	Energy, the Environment and Natural Resources	02/03/21	1	02/03/26	02/04/30	10/02
	01/11/22 (reintroduced)								
C-34	An Act to establish the Transportation Appeal Tribunal of Canada and to make consequential amendments to other Acts	01/10/30	01/11/06	Transport and Communications	01/11/27	0	01/11/28	01/12/18	29/01
C-35	An Act to amend the Foreign Missions and International Organizations Act	01/12/05	01/12/14	Foreign Affairs	02/03/13	0	02/04/25	02/04/30	12/02
C-36	An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism	01/11/29	01/11/29	Special Committee on Bill C-36	01/12/10	0	01/12/18	01/12/18	41/01
C-37	An Act to facilitate the implementation of those provisions of first nations' claim settlements in the Provinces of Alberta and Saskatchewan that relate to the creation of reserves or the addition of land to existing reserves, and to make related amendments to the Manitoba Claim Settlements Implementation Act and the Saskatchewan Treaty Land Entitlement Act	01/12/04	01/12/17	Aboriginal Peoples	02/02/19	0	02/02/20	02/03/21	3/02
C-38	An Act to amend the Air Canada Public Participation Act	01/11/20	01/11/28	Transport and Communications	01/12/06	0	01/12/11	01/12/18	35/01
C-39	An Act to replace the Yukon Act in order to modernize it and to implement certain provisions of the Yukon Northern Affairs Program Devolution Transfer Agreement, and to repeal and make amendments to other Acts	01/12/04	01/12/12	Energy, the Environment and Natural Resources	02/03/07	0	02/03/27	02/03/27	7/02

no.	title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-40	An Act to correct certain anomalies, inconsistencies and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal certain provisions that have expired, lapsed, or otherwise ceased to have effect	01/11/06	01/11/20	Legal and Constitutional Affairs	01/12/06	0	01/12/10	01/12/18	34/01
C-41	An Act to amend the Canadian Commercial Corporation Act	01/12/06	01/12/14	Banking, Trade and Commerce	02/02/07	0	02/02/21	02/03/21	4/02
C-43	An Act to amend certain Acts and instruments and to repeal the Fisheries Prices Support Act	02/04/16	02/04/25	Legal and Constitutional Affairs	02/06/06	0			
C-44	An Act to amend the Aeronautics Act	01/12/06	01/12/10	Transport and Communications	01/12/13	0	01/12/14	01/12/18	38/01
C-45	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/12/05	01/12/17	—	—	—	01/12/18	01/12/18	39/01
C-46	An Act to amend the Criminal Code (alcohol ignition interlock device programs)	01/12/10	01/12/12	Committee of the Whole	01/12/12	0	01/12/13	01/12/18	37/01
C-47	An Act respecting the taxation of spirits, wine and tobacco and the treatment of ships' stores	02/05/28	02/05/30	Banking, Trade and Commerce	02/06/06	0			
C-49	An Act to implement certain provisions of the budget tabled in Parliament on December 10, 2001	02/03/19	02/03/20	National Finance	02/03/25	0	02/03/27	02/03/27	9/02
C-50	An Act to amend certain Acts as a result of the accession of the People's Republic of China to the Agreement Establishing the World Trade Organization	02/04/30	02/05/09	Foreign Affairs	02/06/06	0			
C-51	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	02/03/20	02/03/25	--	--	--	02/03/26	02/03/27	5/02
C-52	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003	02/03/20	02/03/26	--	--	--	02/03/27	02/03/27	6/02

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-441	An Act to change the names of certain electoral districts	02/04/23	02/06/06	Legal and Constitutional Affairs					

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	01/01/31	01/01/31	National Finance	01/03/28	5	referred back to Committee 01/10/23		
S-7	An Act to amend the Broadcasting Act (Sen. Finestone, P.C.)	01/01/31	01/02/07	Transport and Communications	01/06/05	0	01/06/07		
S-8	An Act to maintain the principles relating to the role of the Senate as established by the Constitution of Canada (Sen. Joyal, P.C.)	01/01/31	01/05/09	Rules, Procedures and the Rights of Parliament					
S-9	An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools)	01/01/31							
S-10	An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate) (Sen. Grafstein)	01/01/31	01/02/08	—	—	—	01/02/08 Senate agreed to Commons amendment 01/12/12	01/12/18	36/01
S-12	An Act to amend the Statistics Act and the National Archives of Canada Act (census records) (Sen. Milne)	01/02/07	01/03/27	Social Affairs, Science and Technology	01/12/14	0	referred back to Committee 02/03/25		
S-13	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	01/02/07	01/05/02	Rules, Procedures and the Rights of Parliament (Committee discharged from consideration—Bill withdrawn 01/10/02)					
S-14	An Act respecting Sir John A. Macdonald Day and Sir Wilfrid Laurier Day (Sen. Lynch-Staunton)	01/02/07	01/02/20	Social Affairs, Science and Technology	01/04/26	0	01/05/01	02/03/21	2/02
S-15	An Act to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada (Sen. Kenny)	01/02/07	01/03/01	Energy, the Environment and Natural Resources	01/05/10	0	01/05/15	Bill withdrawn pursuant to Commons Speaker's Ruling 01/06/12	
S-18	An Act to Amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	01/02/20	01/04/24	Social Affairs, Science and Technology (withdrawn) 01/05/10 Energy, the Environment and Natural Resources	01/11/27	0			
S-19	An Act to amend the Canada Transportation Act (Sen. Kirby)	01/02/21	01/05/17	Transport and Communications					

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	01/03/12							
S-21	An Act to guarantee the human right to privacy (Sen. Finestone, P.C.)	01/03/13	Dropped from Order Paper pursuant to Rule 27(3) 02/04/16	(Subject-matter 01/04/26 Social Affairs, Science and Technology)	(01/12/14)				
S-22	An Act to provide for the recognition of the Canadian horse as the national horse of Canada (Sen. Murray, P.C.)	01/03/21	01/06/11	Agriculture and Forestry	01/10/31	4	01/11/08	02/04/30	11/02
S-26	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	01/05/02	01/06/05	Transport and Communications					
S-29	An Act to amend the Broadcasting Act (review of decisions) (Sen. Gauthier)	01/06/11	01/10/31	Transport and Communications					
S-30	An Act to amend the Canada Corporations Act (corporations sole) (Sen. Atkins)	01/06/12	01/11/08	Banking, Trade and Commerce					
S-32	An Act to amend the Official Languages Act (fostering of English and French) (Sen. Gauthier)	01/09/19	01/11/20	Legal and Constitutional Affairs					
S-35	An Act to honour Louis Riel and the Metis People (Sen. Chalifoux)	01/12/04							
S-36	An Act respecting Canadian citizenship (Sen. Kinsella)	01/12/04		(Subject-matter 02/04/16 Social Affairs, Science and Technology)					
S-37	An Act respecting a National Acadian Day (Sen. Comeau)	01/12/13	02/03/27	Social Affairs, Science and Technology					
S-38	An Act declaring the Crown's recognition of self-government for the First Nations of Canada (Sen. St. Germain, P.C.)	02/02/06							
S-39	An Act to amend the National Anthem Act to include all Canadians (Sen. Poy)	02/02/19							
S-42	An Act to amend the Canada Post Corporation Act (householder mailings) (Sen. Taylor)	02/03/26							
S-43	An Act to protect heritage lighthouses (Sen. Forrestall)	02/05/02							
S-44	An Act to amend the National Capital Act (Sen. Kinsella)	02/06/06							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-25	An Act to amend the Act of incorporation of the Conference of Mennonites in Canada (Sen. Kroft)	01/03/29	01/04/04	Legal and Constitutional Affairs	01/04/26	1	01/05/02	01/06/14	42/01
S-27	An Act to authorize The Imperial Life Assurance Company of Canada to apply to be continued as a company under the laws of the Province of Quebec (Sen. Joyal, P.C.)	01/05/17	01/05/29	Legal and Constitutional Affairs	01/05/31	0	01/05/31	01/06/14	43/01
S-28	An Act to authorize Certas Direct Insurance Company to apply to be continued as a company under the laws of the Province of Quebec (Sen. Joyal, P.C.)	01/05/17	01/05/29	Legal and Constitutional Affairs	01/05/31	0	01/05/31	01/06/14	44/01

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(HANSARD)

Tuesday, June 11, 2002

—
**THE HONOURABLE DAN HAYS
SPEAKER**



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Tuesday, June 11, 2002

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

THE HONOURABLE JIM TUNNEY

TRIBUTES ON RETIREMENT

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I rise today with great pleasure, combined with some sadness, I must say, to pay tribute to our colleague the Honourable Jim Tunney, on his retirement from the Senate later this week.

During his time in Parliament, Senator Tunney served on the Agriculture and Forestry Committee, on the Fisheries Committee and on the National Finance Committee. His commitment to issues that are critical to his fellow citizens was evident last week when he called an inquiry to investigate the impact of corporate governance in Canada.

Senator Tunney's background as a fourth-generation farmer and his experience with the Dairy Bureau of Canada and the Milk Marketing Board of Ontario made him a very informed member of the Senate committees on which he sat. His expertise will be difficult to replace.

For many senators, certainly for those who sat on the Foreign Affairs Committee, the highlight of Senator Tunney's time in the Senate was the afternoon he spent with members of that committee explaining to them his work in Russia and Ukraine, and his experiences in those countries. Senator Tunney's enthusiasm for his work and for this institution has left a favourable impression on all who were fortunate enough to work with him. His sunny disposition will be much missed by his colleagues. I should like to convey my appreciation for Senator Tunney's service to this institution.

My colleagues join me in wishing Senator Jim Tunney the very best as he embarks upon another new phase in his life.

Hon. Senators: Hear, hear!

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, on behalf of my colleagues in the opposition, and in my own name, I wish to associate with the words of the Leader of the Government in the Senate in paying tribute to our colleague Senator Jim Tunney, whose good fortune in celebrating his 75th birthday on Sunday also marks his loss to us as a valuable participant in this chamber. He has been a real Senate laureate.

Senator Tunney joined us just 15 months ago and he has been a steadfast contributor to all matters agricultural ever since. Whether it is supply management, genetically modified organisms, food exports, grains, fertilizers, pesticides or just farm-related financing, he has been more than willing to delve into the issues as they arise. His prior knowledge of farming and agricultural issues was combined with international experience

before coming to the Senate. Senator Tunney assisted as a consultant in Russia and Ukraine in the establishment of farm marketing and production boards.

Senator Tunney continued to expand his horizons in the Senate, having travelled to Europe with the Agriculture and Forestry Committee in March this year for meetings in London, Brussels, Strasbourg and Belfast, where he brought his own Canadian point of view to the discussions. In fact, his 30 years as a dairy farmer have proven to be invaluable because it seems that almost everything we do in the Senate, and in the country as a whole, can be related to the dairy industry and its operations. It has been said that Senator Tunney can wax eloquent on the subject until the cows come home!

In addition to serving on the Standing Senate Committee on Agriculture and Forestry, where he was an extremely knowledgeable and active member, Senator Tunney also participated in two other committees: the Standing Senate Committee on Banking, Trade and Commerce and the Standing Senate Committee on National Finance, as recently as this morning.

Most newcomers to this house, particularly those without prior experience as legislators, require some time in which to adapt to the new environment. Although Senator Tunney did not have the luxury of time in which to settle into his new role, he did arrive with considerable expertise in an area where partisanship is not required. Our one regret is that his service in the Senate has been so brief, but we wish him well in his future endeavours. The one certainty is that dairy farming and agricultural matters will never be far from his mind.

Hon. Isobel Finnerty: Honourable senators, Jim Tunney must have been born a Liberal; I know that he has carried with dignity his Liberal colours throughout his eventful life. He has been at the centre of political activity in Eastern Ontario throughout this time and he has had a long and impressive record of championing the interests of rural Canada. Since being summoned to the Senate, Jim Tunney has vigorously promoted the concerns of those Canadians who bravely continue to pursue their livelihood in the production of our food.

It has been of great interest for me to follow his presentations and arguments in Senate committees. I am saddened that the retirement rule of 75 years prevents us from being stimulated by vital and experienced minds like that of Senator Tunney, who must now bow to the time limit imposed by our Constitution.

Jim Tunney is from Northumberland, in the heart of Eastern Ontario, where the apples grow; where there once was a great deal of tobacco; where the soil is rich; and where descendants of Aborigines and early English, Scottish and Irish settlers have been joined by Canadians from everywhere. Northumberland is God's country; and Jim Tunney will be home.

Years ago, a woman in Northumberland, Lettice Drope Bingham, whom I am sure Senator Tunney knew, wrote a song that proudly expresses Jim Tunney's affection for home. As he leaves us now, the words of that song seem to be appropriate:

Come back to Old Northumberland,
The hills are very blue;
And skies as soft as slumber
Are waiting here for you;
The old church bells are ringing,
In green grove birds are singing,
And the magic's spell is clinging
To Old Northumberland.

Best wishes to Senator Jim Tunney as he retires to his hills of Old Northumberland.

• (1410)

Hon. Lowell Murray: Honourable senators, apropos the remarks we have just heard from Senator Finnerty, it is not only the hills that are blue in Eastern Ontario but much of the politics also.

All his life, Senator Tunney has been an active and valued Liberal in a part of the country where that is a difficult label to wear. Otherwise, he might have had quite a distinguished career in the elected House of Parliament, had he sought election there. It is our good fortune to have had him here for the last little while.

The purpose of my intervention is to speak as Chairman of the Standing Senate Committee on National Finance, where Senator Tunney has been a member almost from his first day here. He has been an extremely positive and valuable member of that committee. As many witnesses before the committee might attest, he has a way of prefacing his questions with a homespun, almost diffident wisdom before coming to his point with devastating precision, as is his habit. He has been excellent at examining witnesses and cross-examining them, especially officials of the government. The honourable senator comes to the point himself and brings them to the point quickly and efficiently. He has been a superb senator and I, for one, am sorry to lose him, as are, I am sure, other members of the Standing Senate Committee on National Finance.

On top of all that, Senator Tunney has always been wonderfully good company. Winston Churchill used to divide the world, not so much into Tories, Liberals and Labour, but into the two categories of those with whom it would be agreeable to dine and those with whom it would not. Senator Tunney is in the first category. He has always been wonderful company, and we are very glad to have had him this past little while in the Senate.

I wish, on behalf of the members of our committee, to thank Senator Tunney most sincerely for his diligence, the preparation he has always put into his committee work, and the very constructive contribution he has made there and in the Senate as a whole.

Hon. Herbert O. Sparrow: Honourable senators, first, I wish to pay tribute to Jim Tunney and his stay in this place. Senators have heard it said before and will hear it again: One can tell that a man is a farmer because he is a man outstanding in his field.

Senator Forrestall: That is the oldest joke in the book.

Senator Sparrow: That is right, but I really believe that Jim has been a man outstanding in his field of agriculture. I say this because not only is he in the dairy industry and very aware of the problems and the advantages there, but in his time here he has

proven to me that he is interested and knowledgeable about agriculture in all of Canada. I say that because of the problems we have had in Western Canada. I have discussed this matter in the Agriculture Committee and separately with the senator. He has been a great deal of help in getting the message across of the serious situation in agriculture in Canada and in Western Canada. I commend Senator Tunney for that and thank him for taking the time to share that knowledge with us. In his 18 months here, he has probably done more for agriculture in getting that message across than many of us who have been here for years. I wish to thank him for that.

I particularly refer to the AIDA program that has been such an issue in Western Canada over the last couple of years. The senator has assisted in trying to rectify the serious problems with that program, and I want to extend to him my appreciation for that.

We will miss Jim in the Senate. I am sure he will carry on in the agricultural field in the private sector. On behalf of the chamber, I want to thank him very much for his efforts related to agricultural issues in this country.

Hon. Ione Christensen: Honourable senators, I wish to add my sincere best wishes to Senator Tunney. He has been my office neighbour since he arrived in the Senate. It takes some senators quite a number of years to graduate from the Senate, but he has managed it in just over a year, a time during which he contributed fully. I think that is an accomplishment in itself.

I will miss Senator Tunney's bright light in his office every morning. I am an early riser and I get to the office early in the morning, but being a dairy farmer, he was always there before me.

All my best wishes to Jim as he goes forward into his new career.

Hon. Marcel Prud'homme: Honourable senators, Senator Roche and I wish to join in everything that has been said about Senator Tunney. I would only add one comment: If every witness appearing before the Standing Senate Committee on Foreign Affairs had Senator Tunney's knowledge, that would be the committee to attend. Senators may not know that Senator Tunney appeared as a witness before the Standing Senate Foreign Affairs Committee, a committee for which I have a lot of admiration and wish to be part of before I die. However, that is not the subject matter of today's tributes.

Senator Tunney was the most knowledgeable witness to appear before the committee. I dare say, in front of some members of the committee who may have a tendency to take lightly what I say, that he was the best witness during the committee's examination of Ukraine and Russia. I call it the eternal study. Senator Tunney testified as a volunteer who had done some work in rural communities in Ukraine and Russia. He knew what he was talking about.

Senator Tunney was to testify for half an hour, and at first I saw some members who thought that 15 minutes would have been enough. However, after two hours they wanted more, which meant that he knew what he was talking about. I thank him for that because I learned more about the situation in Ukraine and Russia that night than in reading the testimony of almost every other scholar who spoke to us about the situation over there.

For that, and many other kindnesses, I salute Senator Tunney and thank him. All senators wish him happiness. He knows that our offices will always be at his disposal when he passes by and that we will always be happy to receive him.

Hon. Anne C. Cools: Honourable senators, I join all senators on both sides in paying tribute and saying goodbye, farewell, to Senator Tunney today.

Senator Tunney's time with us in this chamber has not been long; it has been short. However, I hasten to add that his knowledge of agriculture, farming and all those related matters made him a welcome addition to the Senate.

The work that Senator Tunney has done on agricultural and farming issues has been not only excellent but also timely. If there is a community in this country that needs support at the present time, it is the agricultural and farming community.

To that extent, honourable senators, I am respectful of Senator Tunney's great knowledge on these issues, and I join all in wishing him great success in his next career, whatever that will be. I take the opportunity today to thank him. I also wish his family all the best in his retirement.

Hon. Jim Tunney: Honourable senators, thank you very much. I was wondering just how much exaggeration would be tolerated in this place because several senators got away with a lot just now.

• (1420)

I want to express my delight in having met and come to know so many fine people — more than I could have imagined.

I have been coming to Ottawa for a long time. My first trip to Ottawa was in June of 1947, when I came here as a late teenager to attend the Marian Congress, which is a worldwide Catholic youth organization. I was at the counter in the Château Laurier Hotel one morning, getting papers of some sort, when I suddenly realized that the Right Honourable Mackenzie King was standing right beside me. I pretty nearly fainted. I said, "Prime Minister, could I have your autograph?" He looked a little bit fussed up. He said, "I hope there will not be a crowd gathering here, but if you have something to write on, I will do it." I pulled out an agenda for a meeting that day and a blue Eversharp pencil. He scribbled his autograph on that and I went away so happy.

That, you will understand, was before I was of legal age — not old enough to vote, not old enough to even be allowed into a polling booth. However, from then on, I have been a campaigner at every election, and I guess between elections. I always knew that I wanted to campaign for good government. I must tell you that that implied a Liberal government.

Senator Carstairs: Of course!

Senator Tunney: A good part of the time, I was successful. I was assigned a seat over here and I was kind of dubious about the reception I would get; dubious if I were really in my right place. It did not take long before I found out that I was. I am proud to say that I have as many good friends on this side of the chamber as on the other side — not quite as numerous, but all of these senators I count as my friends.

I will mention three or four of them. I serve on three committees, all chaired by Tory senators. I could not dream of having better chairs for any committees that I ever sat on.

Hon. Senators: Hear, hear!

Senator Robichaud: We have to work on that!

Senator Tunney: I have not discussed this with Senator Carstairs, but the senators to whom I am referring know who they are. Some time ago I took the liberty to invite those three chairs to the better side of this chamber. Another senator down here whom I consider just rock solid is also a candidate. The encouraging part of it is that not one of them has refused me! I expect to see the day when they will accept this suggestion — although probably not right now, as there is a bit of a fuss-up in the ruling party at the moment.

Senator Forrestall: Now who is exaggerating?

Senator Tunney: They will wait until things smooth out before they apply to join.

I want to thank my wife very much for all the support that she has given me, not just during my time here but for 30 years — and we celebrated our 30th anniversary on Sunday last — for all of the times I had to be away, either in Toronto or somewhere across the country, or overseas in Eastern Europe. I could never have done it without her. I would never have tried, either.

I would like to speak for a moment about my great-grandfather, who came to this country in 1838. He became a farmer; I am the fourth generation. His life was so difficult. Honourable senators know what our salary is here. My great-grandfather was trying to grow rye for 60 cents a bushel, which he would load on a railway car at Grafton to go down to Corbyville, to the Corby Distilleries. He could not make a living at that.

However, he found a better way. He set up a little still back in the bush. He was doing very well. The problem was — and this was before Confederation — that what he was doing was against the law. More than that, it was a mortal sin. Grandfather was at confession and told a young priest all his sins. He said, "Father, I made eight gallons of moonshine." The young priest said, "I know what the penance should be for these other sins, but I do not know what it would be for making moonshine. Wait here and I will be right back."

In the vestry, the old bishop was sitting half asleep. The young priest said, "Bishop, I have a fellow out there who made eight gallons of moonshine. What will I give him for it?" He said, "Given him a dollar and a half a gallon, not a cent more."

I am not permitted this kind of jocular performance, I am sure, but perhaps His Honour will permit me another half minute.

When I came to the Senate, I thought I was very honoured, and I was. You may not know that in my earlier life I graduated fairly early. During the war — it was the Second World War — my dad, with a 400-acre farm, had no help. The men were all overseas. I said, "As soon as I get my grade eight I will stay home and help you. I will go back to high school because I will probably

want to be a lawyer." At 14, I graduated, barely — I think I got 55 per cent in marks — and I never did get back to high school. Sometimes, over the years, I have said, "I quit at age 14 and that was a mistake. I should have quit when I was 12 and I would have had two more years to make something of myself!"

I was telling a so-called friend, a farmer neighbour of mine, about my work here. I said, "I am sure you are happy that I was appointed to the Senate." He said, "Not really. To tell you the truth, I never really did want a senator in this area. You are the closest thing to not having one that I could ever imagine!"

I tried to avoid that farmer since then because, of course, you can get far too conceited when you hear these kinds of tributes. I would dare to say that they are exaggerations, but of course one likes to hear them.

• (1430)

I will be tracking the work that you do here, fully conscious of how important it is. I will be watching the development of an inquiry I launched last week.

Honourable senators, it is time I sat down. I often do not know when it is time to sit down, but I see the Speaker is watching me. He will be calling my time soon. I will beat him to it.

Hon. Senators: Hear, hear!

SENATOR'S STATEMENT

MILAD-UN-NABI CELEBRATIONS ON PARLIAMENT HILL

Hon. Mobina S. B. Jaffer: Honourable senators, Parliament Hill was the venue for two joyous Milad-un-Nabi celebrations over the past two weeks, which commemorated the birthday of the Holy Prophet of Islam, Prophet Muhammad. May peace be upon him.

On Thursday May 30, 2002, the Ottawa Muslim Association, in conjunction with other local Muslim organizations, held a Milad celebration in Room 200 of the West Block. I had the pleasure of co-sponsoring this event with His Excellency Dr. Mohammed R. Al-Hussaini, Ambassador of the Kingdom of Saudi Arabia, and His Excellency Dr. Mohammed A. Mousavi, Ambassador of the Islamic Republic of Iran.

In his address, the Saudi ambassador spoke of the nature of Islam and extolled the prophet's virtues. He said:

For more than one fifth of the world's population, Islam is a religion and complete way of life. Prophet Mohammed, as a messenger of God, received the revelation over the last 23 years of his life. We, as Muslims, strive to follow the Prophet's steps.

His Excellency continued:

The Prophet's virtues are reflected in his great modesty, honesty, compassion and love for other human beings

regardless of race, colour or origin. These are the qualities of a great man chosen by God to be his messenger.

The Iranian ambassador spoke of the positive effect that events like the Milad on the Hill could have. He said:

As the Muslim nations of the world are currently facing numerous challenges related to having a negative perception and identity crises, I believe these kinds of forums can positively help in dissuading the concerns of the Western world, if they have any.

On the afternoon of Sunday, June 9, 2002, Ottawa's Ismaili Muslim community held a celebration of the Holy Prophet's birthday in Room 200 in the West Block. Professor Karim Aly Kassam of the University of Calgary gave the keynote address on the topic: "To whom much is given, much is expected: Prospective from a Canadian Muslim." Senator Prud'homme spoke at both of these events.

Professor Kassam spoke about the significance of celebrating the Milad on Parliament Hill. He said:

The recent Milad events commemorating the birth of Prophet Mohammed on Parliament Hill are a testament to the Muslim presence in Canada and the Canadian commitment to pluralism and religious diversity.

I hope all honourable senators will join me in celebrating the Holy Prophet's birthday and acknowledging his monumental contribution to humanity.

ROUTINE PROCEEDINGS

INFORMATION COMMISSIONER

ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, pursuant to section 38 of the Access to Information Act, I have the honour to table the 2001-02 annual report of the Information Commissioner of Canada.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FOURTEENTH REPORT OF COMMITTEE PRESENTED

Hon. Jack Austin: Honourable senators, I have the honour to present the Fourteenth Report of the Standing Committee on Rules, Procedures and the Rights of Parliament, regarding issues raised by individual senators with respect to the restructuring of Senate committees.

(For text of report, see today's Journals of the Senate, Appendix p. 1719)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Austin, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

APPROPRIATION BILL NO. 2, 2002-03

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-59, for granting to Her Majesty certain sums of money for the public service of Canada, for the financial year ending March 31, 2003.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Robichaud, with leave of the Senate and notwithstanding rule 57(1)(f), bill placed on the Orders of the Day for second reading at the next sitting of the Senate.

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY BANKRUPTCY AND INSOLVENCY ACT AND COMPANIES' CREDITORS ARRANGEMENT ACT

Hon. E. Leo Kolber: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, in accordance with the provisions contained in section 216 of the Bankruptcy and Insolvency Act and in section 22 of the Companies' Creditors Arrangement Act, the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on the administration and operation of the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act;

That the Committee submit its final report no later than June 5, 2003.

ABORIGINAL PEOPLES

MOTION TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES AFFECTING URBAN ABORIGINAL YOUTH ADOPTED

Hon. Thelma J. Chalifoux: Honourable senators, I am not sure whether we are at the correct point in the agenda, but I would ask leave of the Senate to move a motion that is on the Order Paper for later this day regarding a change —

The Hon. the Speaker: If you are requesting leave, we will do that after government business.

Senator Chalifoux: Honourable senators, with leave of the Senate, I move:

That, notwithstanding the Order of the Senate adopted on September 27, 2001, the Standing Senate Committee on Aboriginal Peoples, which was authorized to examine and report on issues affecting urban Aboriginal youth, be empowered to present its final report no later than December 19, 2002.

• (1440)

The Hon. the Speaker: Senator Chalifoux, will you please explain why you are requesting leave now?

Senator Chalifoux: Honourable senators, I request leave now because I will not be here tomorrow.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

QUESTION PERIOD

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS—REQUEST FOR REMOVAL OF PRE-QUALIFICATION PHASE FROM COMPETITION

Hon. J. Michael Forrestall: Honourable senators, I have questions for the Leader of the Government in the Senate. Will the minister also be able to include, in her responses, replies to a couple of questions I asked last week?

Honourable senators, today we have two more reports calling for higher defence spending. One is from the C. D. Howe Institute. The other is from the Institute for Research on Public Policy. The minister knows, as we all do, that every day the Sea King replacement is delayed is a waste of taxpayers' money from an already very tight budget.

The government is moving away from the test flight in the pre-qualification phase of the Maritime Helicopter Project, meaning that there is little need or reason for a pre-qualification phase — no reason at all for it now. Thus, more time and money is wasted.

Will the minister urge the government to skip the pre-qualification phase and move directly to a competition to replace the Sea King?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is not the intention of the government to skip any of the processes it has put in place. Those processes have been clearly identified on the Web site to all potential bidders for a long period of time. The government does not think it would be advisable to cut steps from the process now.

Senator Forrestall: Honourable senators, why is it that, in the last number of hours, the necessity of pre-flight qualifications have been done away with? I do not understand that. I understand what the response says to me, but it does not quite jibe with what, in fact, is happening.

Honourable senators, we know from a briefing note sent to the Minister of National Defence on February 27, 2001, that the last delay in this program — and in that case a delay of less than a year — cost us \$100 million. We are almost a year behind again. Again, the increase is \$100 million.

Considering that the defence budget is as strapped as it is, although we read in the paper today that there are billions for helicopter by the Prime Minister, will the Leader of the Government in the Senate approach her colleagues and impress upon them the need to stop wasting money and, above that, the need to replace the Sea King helicopters?

Senator Carstairs: Honourable senators, I do not agree with the honourable senator's preamble with respect to what he considers wastage of money. The question is: Are we proceeding with the helicopter bid? Yes, we are. It is hoped that we will know who the winner is by the end of this year and that we will know who is making the other components by early next year. We are still aiming for the 2005 deadline.

Senator Forrestall: The honourable senator said 2006 a couple of months ago.

INTERNATIONAL TRADE

UNITED STATES—MEASURES LABELLING FISHERIES AND AGRICULTURAL PRODUCTS BY COUNTRY OF ORIGIN—INFLUENCE ON CANADIAN INDUSTRIES

Hon. Gerald J. Comeau: Honourable senators, is the Leader of the Government in the Senate aware that, in the past couple of weeks, the U.S. government has passed protectionist measures that would make it such that the country of origin of fisheries and agricultural products are to be labelled as being from countries other than the U.S.? Has the government done an analysis or assessment of the impact of such country-of-origin measures on our industries in Canada?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, we are well aware of the legislation passed by the United States because it is monitored on a regular basis. I do not know whether such an impact study has been undertaken. I will inquire and get back to the honourable senator as soon as I can.

Senator Comeau: Honourable senators, I suppose one should not ask, but I will anyway. Would such a subject not be discussed at cabinet, given the importance of the subject matter? If so — and I am not asking the minister to move away from cabinet confidentiality — would she suggest whether there have been discussions in cabinet about this subject and whether we might be able to allay the fears of those in the industries? For the past number of years, these people have placed a huge amount of investment in those industries. Naturally, they would not want to see their industries subjected to the kind of harassment that we have seen from the U.S. government in the past few years.

Senator Carstairs: I know that there have been some leaks from cabinet discussions over the last few weeks. However, let me assure honourable senators that I have not been the author of any such leaks and that I do not intend to begin the practice this afternoon.

PRIME MINISTER'S OFFICE

PUBLIC WORKS AND GOVERNMENT SERVICES SPONSORSHIP PROGRAM—RESPONSE TO AUDITS

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. It concerns the ongoing sponsorship scandal. The essence of the question is, who knew what and when.

On Friday, the *National Post* reported that the Prime Minister's Office learned of the problems involving the sponsorship programs some two years ago. Meetings were held in the Langevin Block to discuss the potential fallout of the internal audit. In the words of the article in the *National Post*:

Senior government officials went to work to limit the potential public-relations damage from the audit's release by drafting a detailed communications strategy — a tactic they used in the HRDC job creation grants scandal.

The Prime Minister's Office knew, two years ago, that marketing companies were charging twice for the same services, that the government did not have sufficient controls over payment of sponsorship invoices, and that the marketing companies were buying services from their own affiliates and then billing the government an 18 per cent markup on the services provided.

Could the Leader of the Government advise the Senate as to why the Prime Minister's Office responded to this problem, in September 2000, by not ordering it fixed but by ordering a communications plan?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, let us go back to before the date mentioned by the honourable senator. The very audit to which he refers was undertaken as a result of instructions by the government. The government ordered that audit. In fact, it placed that audit on the Web site on October 11, 2000.

At that point, there were, indeed, media stories with respect to the sponsorship program and the regulations within the department were at that point firmed up and tightened up.

The Minister of Public Works has now indicated that more tightening needs to be done, but there was clear action taken, both in posting the information as well as in the operations of the Department of Public Works on a day-to-day basis.

• (1450)

Senator Oliver: Honourable senators, I should like to remind the honourable leader of a more cogent quotation from the *National Post* article that said:

Officials were told to deflect questions about waste, financial mismanagement or fraud by announcing "an action plan" — as they did during the HRDC affair — under which past mistakes would be corrected and steps taken to avoid them in the future.

On Sunday, appearing on CTV's *Question Period*, the Minister of Public Works told Canadians:

Obviously, there is something fundamentally wrong with this particular program.

Honourable senators, it has been two years since the government became aware of this problem. Why has the government not put in place an effective plan to deal with things that are, in the words of the minister, “fundamentally wrong with this particular program”?

Senator Carstairs: Honourable senators, the government has put in place rules and regulations that it hopes will result in clear lines of authority and appropriate decision making.

Many of the so-called items that are now being raised actually predate the time at which this audit was conducted. However, the Minister of Public Works is still not satisfied. That is why he has curtailed grants within the sponsorship program until he is absolutely clear in his own mind that things are working in an appropriate fashion.

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, under Government Business, I would like us to start with Item No. 6, that is third reading of Bill S-41, and then revert to the order of business as listed on the Order Paper.

LEGISLATIVE INSTRUMENTS RE-ENACTMENT BILL

THIRD READING

Hon. Serge Joyal moved third reading of Bill S-41, to re-enact legislative instruments enacted in only one official language.

He said: Honourable senators, I would like to continue the debate initiated at the time of second reading of Bill S-41. The proceedings in the Standing Senate Committee on Legal and Constitutional Affairs have proven useful in reviewing the underlying principles of this bill, and in establishing a process for examination of regulatory instruments and orders in council which had been enacted in only one official language or published in only one official language, and which are therefore non-compliant with the essence of section 133 of the Constitution of Canada.

This bill, honourable senators, has constitutional value. It implements the obligations of the Parliament of Canada and the Government of Canada as far as the enactment of texts and regulations under various laws are concerned, which come up in the normal exercise of the legislative activity of this Chamber.

In the opinion of the committee members, the original version of this bill had several flaws. The first is that it did not enable a process to be put in place that would have given us, after a specified period of time, a complete assessment of all the regulatory texts that had not been enacted, printed and published in both official languages, nor did it make it possible to define at what exact moment the regulatory situation of the

Parliament of Canada would be normalized, or in other words when both official languages would be respected. On several occasions, committee members from both sides of this House addressed this constitutional obligation arising out of section 133, as interpreted by the Supreme Court, in the *Reference re Manitoba Language Rights*, 1985.

Honourable senators will recall, in connection with the *Reference re Manitoba Language Rights*, that all Manitoba's legislation had been enacted in one official language since 1890 — in other words, English — contrary to section 23 of the Constitution of Manitoba, which is in every way similar to section 133 of our Constitution as it applies to federal legislative and regulatory activity.

The Supreme Court interpreted in a very specific way the obligations of Parliament and of the Government of Canada. It said, and I quote:

Section 23 of the Manitoba Act, 1870 entrenches a mandatory requirement to enact, print and publish all Acts of the Legislature in both official languages.

So, there are three stages: enactment, printing and publication.

I see the Honourable Senator Beaudoin who is listening carefully. He will remember that when the Supreme Court of Canada invalidated all of Manitoba's statutes, the issue was how to deal with the regulatory vacuum, the constitutional vacuum in which Manitoba found itself. In its ruling, the Supreme Court asked the parties involved to see how they could deal with this situation, that is how long they would need before appearing before the courts and demonstrating that a process had been put in place to meet the constitutional obligation of the Government of Manitoba.

In its original form, that is before being reviewed by the Standing Senate Committee on Legal and Constitutional Affairs, Bill S-41 did not include a process. In other words, it did not provide a specific period of time within which the Government of Canada would enact, print and publish the regulations in both official languages. No timeframe was specified in the bill. No reasonable period was defined in the legislation, and there was no deadline beyond which the regulations would be presumed invalid and would therefore be repealed.

Honourable senators, this aspect of Bill S-41 was a concern to each and every member of the Standing Senate Committee on Legal and Constitutional Affairs. We heard, among others, the co-chairs of the Joint Committee for the Scrutiny of Regulations, who prepared a very useful and specific report on the approach that they would suggest to committee members to correct this flaw in the original bill. The approach proposed by your committee and presented by the Honourable Senator Milne was reviewed by the members of your committee. It is an approach that I submit to your attention this afternoon and for which I seek your approval.

The bill, as amended, contains several new elements which, in our view, are essential to ensure the constitutional obligations of Parliament and of the Government of Canada. First, there is a deadline, after which any regulatory activity by the Government of Canada will have to comply strictly with the principles of linguistic equality, i.e. 1988, the year in which the Parliament of

Canada passed the most recent version of Canada's Official Languages Act. We feel that, as of 1988, any regulatory activity by the Government of Canada should strictly and scrupulously respect the principles of linguistic equality.

• (1500)

The second element of the report which we feel is fundamental to the respect of the principles incumbent on our legal order is that there be no retroactivity. I see my honourable colleague, Senator Nolin, nodding. The initial bill contained a clause which would have made it possible to charge someone with an offence if it could be proved that they were aware of the contents of a regulation which had not been adopted or printed in both official languages.

So there was a retroactive element in the bill. Several of my colleagues on the committee raised this aspect. We made the decision, a judicious one in my view, to withdraw from the bill any element of retroactivity, in accordance with the principles which, as we all know, are clearly set out in the Canadian Charter of Rights and Freedoms.

The third element of the bill which preoccupied us greatly, particularly Senator Beaudoin and myself, has to do with the publication of regulations. As you know, honourable senators, it is a principle of the common law and of Quebec's civil law that ignorance of the law is no excuse. This principle is based on the fact that laws must be published. But if a law has not been published, how can a citizen know about it?

When we read Bill S-41, we noticed an ambiguity: the bill was designed to deal with, or could have had the effect of correcting, a failure to publish a regulatory enactment, in addition, obviously, to a failure to publish in both official languages. We felt that the purpose of the bill was only to correct failures to enact and to adopt in both official languages, not failures to publish. This was the third point which we dwelt on in our consideration of the bill.

The fourth element is that the bill did not contain a procedure to identify regulations, statutory instruments or orders that had not been enacted, adopted or published in both official languages. The Honourable Senator Murray raised this issue. He asked me at second reading how many such regulations there would be. We do not know the answer to this question at this point. However, we incorporated to the bill a process to identify these instruments, at the end of which, after one year, the Minister of Justice must report to us and identify the process he will use to do the inventory of these regulations and, secondly, establish a list of proposed regulations that have been enacted and/or repealed and finally, a list of proposed regulations that are simply considered no longer applicable, and consequently having no legal force.

Once this report had been obtained, after one year, we believe that after five years, the government will have had enough time to do the full inventory of these statutory instruments and that, in the sixth year, after this period of time, the instruments that had not yet been re-enacted, printed and published in both official languages would be repealed.

This, honourable senators, is for one simple reason: the constitutional obligation to enact, adopt and publish statutory instruments in both official languages is a strict constitutional obligation. It is not one that Parliament can suspend. Only the courts, in certain circumstances, may order the Government of Canada not to comply with certain provisions of Canada's

constitution. Section 133 is a constitutional provision. It is not a provision that we can amend unilaterally. It is a provision that is protected under the Constitution Act, 1982, which specifically excludes the constitutional linguistic obligations of the Government of Canada.

In other words, we cannot, by a simple act of our Parliament passed by both Houses, suspend, change or diminish our responsibility to legislate in both official languages. Legislating includes passing, printing and publishing in both official languages.

Honourable senators, your committee, which works on behalf of the entire Senate, gave this bill incredibly careful consideration. This report considerably strengthens the original bill, and I ask for your support at third reading.

[English]

MOTION IN AMENDMENT

Hon. Lorna Milne: Honourable senators, after praising the work done in committee to a high degree last week, I must rise this afternoon to inform you that a small clerical amendment is required to Bill S-41 before it is passed by this chamber on third reading.

I therefore move:

That Bill S-41 be not now read a third time but that it be amended in clause 9, on page 3, by replacing subclause (3) with the following:

"(3) The report referred to in subsection (2) shall, in respect of legislative instruments of a class referred to in subsection 15(3) of the *Statutory Instruments Regulations*, set out only the number of such instruments that are of the types described in paragraphs 2(b) and 2(c)."

The committee's report referred to paragraphs 2(a) and 2(b). With this amendment, we are merely correcting a clerical error. It is merely a housekeeping amendment, and for those who are interested, I will take a few minutes to describe why this clerical change must be made.

Proposed clause 9 of the bill sets out the requirements that the Minister of Justice must fulfil when reporting to Parliament about the work conducted under Bill S-41. Under subclause 9(2), the minister must inform Parliament of (a) a description of the measures taken to find all instruments that need to be fixed, and this is just a description; (b) a list of all the instruments that have been repealed and enacted under the act; and (c) a list of all instruments that need to be fixed but have not yet been repealed and re-enacted under the act.

As currently written, proposed subclause 9(3) states that where there are matters of national security involved, as defined in section 15(3) of the *Statutory Instruments Act*, the government can fulfil its responsibilities by listing the number of instruments that were dealt with under paragraphs 9(2)(a) and (b).

Proposed paragraph 9(2)(a) deals with a description. A description cannot be listed. Those two letters should have been (b) and (c). It was always intended that subclause 9(3) deal with the other two categories set out in that proposed clause of the bill.

• (1510)

Where national security is involved, the government should only have to provide the number of instruments fixed and the number of instruments that have been identified as problematic but not yet fixed.

Honourable senators, this amendment simply changes the wording in subclause 9(3) to refer to paragraphs 9(2)(b) and (c). It is just a housekeeping amendment, not substantive, and I hope senators will allow for the quick correction of this oversight.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

[Translation]

Hon. Gérard-A. Beaudoin: Honourable senators, I would like to say a few words on this amendment. I agree with the proposed amendment, because it is in line with the decision in *Reference re Manitoba Language Rights*, 1985. This dealt with legislation that had not been enacted in both official languages. As well, it is in line with the spirit of subsequent Supreme Court decisions on the publication of regulations. I wanted this to go on the record, since this is an important bill and follows up on two constitutional judgments by the Supreme Court of Canada. I agree with the amendment as proposed.

[English]

Motion in amendment agreed to.

The Hon. the Speaker: Is the house ready for the question on third reading of the bill?

Senator Prud'homme: I grant my permission.

The Hon. the Speaker: It was moved by the Honourable Senator Joyal, seconded by the Honourable Senator Callbeck, that the bill be read the third time now, as amended.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill, as amended, read third time and passed.

BILL TO AMEND CERTAIN ACTS AND INSTRUMENTS AND TO REPEAL THE FISHERIES PRICES SUPPORT ACT

THIRD READING

Hon. Joseph A. Day moved the third reading of Bill C-43, to amend certain Acts and instruments and to repeal the Fisheries Prices Support Act.

He said: Honourable senators, this bill could perhaps also be called a technical amendment bill. Honourable senators will recall during second reading of this bill that I led a discussion in relation to the Miscellaneous Statute Law Amendment Act, which provides an expedited way to deal with miscellaneous amendments. In the event that there is any question raised with respect to any of the items under the Miscellaneous Statute Law Amendment Act, then those items are taken from that act.

That is what occurred with respect to Bill C-40, which was before this chamber in the fall of last year. A number of the items that were removed from that particular expedited Miscellaneous Statute Law Amendment Act have now been put into this technical amendment act for the purpose of providing more clarification by following the regular process with respect to bills. It was referred to committee and has been considered at committee. We are now back from committee for third reading of the bill.

[Translation]

Honourable senators, I am pleased to be able to speak today at third reading stage of Bill C-43, which makes material changes and various corrections to certain legislative texts.

For example, Bill C-43 repeals the Fisheries Prices Support Act, since the last tangible activities of the Fisheries Price Support Board date back to 1982. It was integrated at the time government agencies were streamlined in 1994 and then ceased to operate completely in 1995.

The bill also remedies certain inconsistencies between the English and French versions of legislative texts as well as errors in reference and updates the administrative mechanisms to bring it in line with the most recent approaches and guidelines.

[English]

The bill was reviewed in some detail by the Standing Senate Committee on Legal and Constitutional Affairs, including a session with the government leader from the other place, the Honourable Don Boudria. Notwithstanding that the allocated time for the minister to be present expired, he stayed beyond his designated time to ensure committee members all had an opportunity to pose their questions and be satisfied with the effect of the proposed amendments.

As sponsor of the bill in this chamber, I should like to thank the minister for his consideration at our committee and to thank the members of the committee for their thorough review of the subject matter of this bill. The committee had an excellent discussion on this bill and reported the same without substantial concerns with its provisions and without amendments. As a result, my remarks today will be brief so as not to take up unnecessarily the time of this chamber.

In committee, honourable senators had a number of questions and comments. For example, Senator Buchanan commented on how the amendments to Bill C-43 will improve the administrative efficiencies of the Atlantic Canada Opportunities Agency. I should like to echo Senator Buchanan's remarks that this bill will reduce administrative duplication by ACOA and Enterprise Cape Breton and enable these agencies to serve Atlantic Canadians more effectively and efficiently.

We confirmed in committee that Bill C-43 clarifies administrative arrangements under the Nuclear Safety and Control Act and the National Film Act. In fact, 15 different statutes were dealt with in this legislation.

The particular amendments with respect to the Nuclear Safety and Control Act and the National Film Act will be done without changing any of the comprehensive accountability measures in the

Nuclear Safety and Control Board and the National Film Board, which are subject to Treasury Board guidelines and additional scrutiny by an internal auditor, and in the case of the National Film Board, scrutiny by the Auditor General.

• (1520)

We also scrutinized in committee the bill's provisions for pension arrangements for lieutenant governors. Bill C-43 updates pension provisions for lieutenant governors, such that one can collect his or her pension at age 60, instead of at age 65 as the current legislation provides, in line with other public-sector pension arrangements. However, I would point out, honourable senators, that only earned pensions can be collected at age 60. The bill does not increase the amount of the pension but, rather, allows for the drawing of that pension at an earlier age.

[Translation]

In committee, senators wanted to know the connection between Bill C-43 and the statute law amendment process.

Bill C-40, which is the most recent amendment act, was reviewed last fall by the Standing Senate Committee on Legal and Constitutional Affairs. In the committee report on Bill C-40, some senators expressed reservations about certain provisions, because they felt that the proposals went beyond the very strict criteria of the miscellaneous statute law amendment program.

Under the statute law amendment program, any provision that is a concern to the Senate committee is automatically removed from the bill by the government, as was the case with Bill C-40.

The government decided to include in a standard bill, namely the one before us, some of the most urgent provisions about which concerns had been voiced during the statute law amendment process.

Therefore, Bill C-40 complies with the statute law amendment process. A number of changes that the government looked at after the introduction of the draft version of Bill C-40 were also included in Bill C-43. This is a standard bill that must go through all the normal stages of the legislative review in both Houses.

Honourable senators, after carefully considering the provisions of this bill, the committee is of the opinion that they are reasonable and appropriate. Bill C-43 is designed to correct a number of administrative provisions in various acts. It will ensure that our legislation is up-to-date and that it reflects the current situation.

Therefore, I would ask honourable senators to support the third reading of this bill and its passage.

[English]

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

[Senator Day]

NUCLEAR FUEL WASTE BILL

THIRD READING—DEBATE ADJOURNED

Hon. Jean-Robert Gauthier moved the third reading of Bill C-27, respecting the long-term management of nuclear fuel waste.

He said: I am pleased to discuss Bill C-27, a timely bill of importance to all Canadians on the long-term management of nuclear fuel waste. Canada is blessed with a good mix of energy sources. One of these sources is nuclear energy, which has provided Canadians, particularly the residents of my province of Ontario, with reliable, clean production of electricity since the mid-1970s.

Along with the benefits of the nuclear energy option comes the responsibility of properly managing the nuclear fuel waste. Existing waste is currently stored safely at the reactor site, but as designed, this is only an interim solution. Bill C-27 provides the legislative base for a process by which government decisions for the implementation of a long-term solution are proposed. It is the culmination of more than 25 years of research, environmental assessment and extensive consultation with stakeholders, including waste owners, the provinces, the public and Aboriginal peoples.

This legislation is derived from and is consistent with the Government of Canada's 1996 policy framework for radioactive waste. That policy framework made clear that the government should pursue the objectives of ensuring that radioactive waste disposal is carried out in a safe, environmentally sound, comprehensive, cost-effective and integrated manner. It further states that the federal government has the responsibility to provide effective oversight and that the waste owners are responsible for organizing, funding, managing and carrying out waste operations.

With respect to government responsibility, let me be clear: Oversight on health, safety, environment and security aspects of the management of nuclear fuel waste has long been provided through the 1945 Atomic Energy Control Act, which was recently replaced by the Nuclear Safety and Control Act. Bill C-27, the proposed Nuclear Fuel Waste Act, is needed to implement fully the policy framework and to ensure that long-term waste management is carried out in a comprehensive, cost-effective and integrated manner, focusing on financial, social, ethical, socio-economic and other considerations. It will require that waste owners set aside funds and set up a waste management organization to implement the government-approved approach for the long-term management of nuclear fuel waste.

[Translation]

Bill C-27 clearly indicates that the owners of nuclear fuel waste have primary responsibility for planning, implementing and financing waste management activities under federal oversight. The government's role is strictly one of oversight and does not include managing the industry's affairs. This approach is an effective one. It makes a clear distinction between those who exercise the activities and those who regulate them, thus increasing efficiencies and avoiding conflict of interest. It ensures that Canadian taxpayers will not have to shoulder the financial burden of the long-term management of nuclear waste.

It is not the mandate of the Government of Canada to deal with the commercial operations of the nuclear industry. The federal government is not running the industry's nuclear reactors, uranium refineries or uranium mines. The owners and not the government therefore have primary responsibility for nuclear waste management facilities. The government is there to ensure the appropriate oversight of the entire nuclear fuel cycle.

During consideration by the standing Senate committee, I was encouraged to see that, on the whole, witnesses supported the need for legislation in this area.

• (1530)

The main concern that was raised was that private industry would be solely responsible for the next steps in the long-term management of nuclear fuel waste. The fear expressed was that the waste management organization would do as it pleases and would not be accountable to anyone. This is not the case: just as industry cannot do as it pleases when operating a nuclear reactor, because of close governmental monitoring, the waste management organization will be required to comply with the Nuclear Safety and Control Act and the Nuclear Fuel Waste Act.

I would now like to talk about the management organization's advisory council. Some people indicated that because advisory council members are appointed by the board of the management organization, the council would report to the organization, and the advisory council might not provide independent advice, and that its advice would probably be biased by only taking into account the technical aspects of the issue. One thing should be clear: the Government of Canada wants to maximize the effectiveness of the advisory council, and that is why it included in the bill requirements to ensure the transparency of the members' professional expertise and affiliation as well as their comments and their feedback on the reports submitted by the management organization to the minister, who will table them in Parliament. The advisory council must reflect a broad spectrum of expertise not only in scientific and technical areas, but also in the social sciences. This is important. The makeup of the council must reflect a good balance of technical and social expertise in order to fulfil its legal mandate.

[English]

Some have questioned the lack of openness of processes related to the long-term management of nuclear fuel waste. Much to the contrary, I will expand specifically on the multiple openness and transparency processes incorporated into Bill C-27 and on other mandatory processes.

Bill C-27 requires that the proposed waste management organization, WMO, consult on alternative approaches with the public, notably with municipal communities and Aboriginal populations. Bill C-27 requires that the WMO consult on the ongoing implementation of a government-approved approach with the public, including municipalities and Aboriginal peoples. Bill C-27 requires further that advice provided by the advisory council to the WMO be made public.

Bill C-27 requires that the public shall have easy and immediate access to the study, including the WMO proposals and all subsequent annual and triennial reports submitted by the WMO

to the minister. Bill C-27 indicates that the minister, if not satisfied with consultations carried out by the WMO, may carry out his or her own consultations.

Bill C-27 provides for auditing measures consistent with present-day standards. The minister may require, at any time, that an audit be done. Any information obtained by the minister would fall under the Access to Information Act. Through the administration of oversight responsibilities, the government must ensure that the waste management organization is complying with all of its public consultation obligations under the proposed Nuclear Fuel Waste Act.

A unit within Natural Resources Canada will be responsible for administering the proposed legislation. This unit will be clearly identified and serve as a focal point for interacting with all stakeholders and other interested parties. It will have a significant role in developing and maintaining public confidence in government oversight and industry operations.

In view of its fiduciary duty, the government must carry out its own consultations with Aboriginal groups. This was initiated after the 1998 Government of Canada response to the Seaborn panel report.

Once the government has approved the general waste management approach, and after several years of more site-specific work, the WMO will be required to apply for a licence to the Canadian Nuclear Safety Commission. This will lead to mandatory public consultation processes under the Nuclear Safety and Control Act and the Canadian Environmental Assessment Act. Thus, ample opportunity exists for the public to participate in decision making through multiple government oversight processes. These processes will provide many checks and balances and accountability measures.

[Translation]

Honourable senators, what would be the immediate impact after entry into force of Bill C-27? The most visible effect would be that the trust fund would be started up by the owners of nuclear waste. The bill calls for considerable annual contributions to start-up funds by nuclear energy companies.

The waste management organization would begin preparing its study. This report must be submitted to the government within three years. The waste management organization must examine the three options explicitly outlined in Bill C-27 but would not be limited to those options and may propose others. The description of each option must include a comparison of risks and benefits, as well as timeframes. It is important to understand that this is not necessarily connected with a specific site. In fact, specific site visits will take place only after the governor in council has determined a general approach to the long-term management of nuclear fuel waste.

Several stakeholders doubted whether three years would be enough time for the waste management organization to carry out the required work for the study. Since activities at specific sites are not part of this undertaking, and the bulk of the technical information is already available in Canada or elsewhere, and moreover the Seaborn Panel has suggested that two to three years would be sufficient, and since the nuclear stations have already initiated a related program, three years is totally appropriate.

It should be pointed out that there has been a lot of talk about the possibility that Canada might become a dumping ground for the nuclear fuel waste of the rest of the world. The government's intention is to deal with the waste produced in Canada. While health, the environment and safety underlie the concerns that were voiced, Canadians should note that any proposal to import or export such waste would be strictly controlled through various federal monitoring processes, primarily by the Canadian Nuclear Safety Commission, under the Nuclear Safety and Control Act. There is no foreseeable plan under which Canada would export or import nuclear fuel waste produced by commercial ventures. Should such a plan exist, it could not be implemented without meeting the requirements of the Nuclear Safety and Control Act, the Canadian Environmental Assessment Act, the Transportation of Dangerous Goods Act and the Export and Import Permits Act. There are numerous possibilities not only to keep the public informed of such a proposal, but also to have it play an active role in the decision-making process.

[English]

This important piece of proposed legislation, honourable senators, is needed now to move effectively toward the implementation of a solution for the long-term management of nuclear fuel waste. Existing storage activities are safe but were not designed to be a permanent solution. There is international scientific consensus that technology already exists to manage nuclear fuel waste properly over the long term.

The nuclear industry has indicated to us that it recognizes financial responsibilities for long-term management of nuclear fuel waste. Local communities near existing reactor sites want to know what will be the fate of the nuclear fuel waste currently located within their boundaries. Public attitudes are changing at the international level where some communities and governments are working together on waste facilities within their boundaries.

• (1540)

Honourable senators, considering the long lead time envisaged before a solution can be implemented, establishing a legislative process now is the only responsible route for pursuing a careful and thoughtful solution for the long term management of nuclear fuel waste. This proposed legislation, the culmination of many decades of work, was not established in a contextual vacuum. Policy development was guided by extensive consultations with all stakeholders, by experience gained in other countries, by modern regulatory practices, and by social justice concepts.

Honourable senators, it took me one weekend to read the report, but Mr. Blair Seaborn chaired this review for ten years and, in doing so, made a strong and valuable contribution to Canadian society. I thank him for that.

Hon. Douglas Roche: Would Senator Gauthier accept a question?

Senator Gauthier: I would be pleased to do so.

Senator Roche: I wish to express my appreciation to Senator Gauthier for his presentation of Bill C-27 at third reading, and to thank him for the work that he has done.

My question arises out of his commendation of the Seaborn panel, which he mentioned two or three times. At the heart of the Seaborn panel's recommendations were the quality of the

participation in the waste management organization and the quality of the personnel in the advisory council. When the bill came to us, it specified that the membership in the waste management organization would be confined to members or shareholders of Atomic Energy of Canada Limited, AECL, and other owners of nuclear fuel waste produced in Canada. That is to say, only the industry itself would be able to participate in the waste management organization.

Further, Bill C-27 specifies that the above body would determine the personnel on the advisory council, and that the work of the waste management organization and of the advisory council would be in-house. Seaborn recommended a much wider participation, particularly in respect of representatives of the social sciences. They are mentioned in the bill, but only in a weak manner, as needed.

All of these facts became the meat of the debate. Were any amendments put at committee that would widen the representation eligible for membership in the waste management organization and the advisory council? What was the fate of those amendments? If they went down, could the honourable senator give us the reason for that?

Senator Gauthier: I thank the honourable senator for his questions, which are important. Indeed, there are two principles: first, the user pays or the polluter pays. The nuclear fuel waste is owned by the people who produce the waste. The WMO will be charged with offering certain solutions to the disposing of these wastes. It is up to the government to determine how that is done. At the end of the process, they will have to choose the method for disposal.

The advisory committee will be constituted by the stakeholders. It is true, they do have WMO, but they also represent a wide variety of people in all social strata — representatives of the population. Involved in the process will be people from the local community who are concerned about the waste in their area; people who produce the waste; and people, possibly, to advise. In my view, it would be folly on the part of the WMO to be seen as inward-looking and scientifically heavy but not socially conscious. That is the challenge that will be met by Bill C-27. The committee discussed this aspect but there was no proposal, to my knowledge, to amend the bill in order to improve on something that was already quite good.

On motion of Senator Spivak, debate adjourned.

[Translation]

A GUIDE FOR MINISTERS AND SECRETARIES OF STATE GUIDELINES ON THE MINISTRY AND CROWN CORPORATIONS

TABLED

Leave having been given to revert to the tabling of documents:

Hon. Fernand Robichaud (Deputy Leader of the Government): I thank honourable senators for granting leave. I have the honour of tabling two documents. The first one is entitled, "A Guide for Ministers and Secretaries of State," while the second one is entitled, "Guidelines on the Ministry and Crown Corporations."

[Senator Gauthier]

[English]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, could Senator Robichaud advise the house whether he intends to launch a debate on the guidelines that he has just tabled? If that is the honourable senator's intention, this side would be prepared to give leave that the debate commence tomorrow.

[Translation]

Senator Robichaud: Honourable senators, I am not prepared to begin the debate now, but we will definitely be ready in the near future to hear your comments on these documents.

[English]

EXCISE BILL, 2001

THIRD READING—DEBATE ADJOURNED

Hon. Richard H. Kroft moved third reading of Bill C-47, respecting the taxation of spirits, wine and tobacco and the treatment of ships' stores.

He said: Honourable senators, before making my few remarks on this bill, I wish to begin by thanking the members of the Standing Senate Committee on Banking, Trade and Commerce for their usual thorough and energetic study of this bill. I also wish to thank the witnesses who appeared before us. Departmental officials did an outstanding job of helping to bring clarity to a complex subject. Other witnesses provided us with a full range of opinions that made for an interesting debate on this matter.

• (1550)

It is my privilege today to move third reading of Bill C-47. This bill fulfils a long-standing need of both government and industry by introducing a modern legislative and administrative framework for the taxation of spirits, wine and tobacco under a proposed new Excise Act.

As honourable senators are aware, the existing Excise Act is the foundation of the federal commodity taxation system for alcohol and tobacco products. It imposes excise duties on spirits, beer and tobacco manufactured in Canada and includes extensive controls over their production and distribution.

With parts of the current statute pre-dating Confederation, the Excise Act has been periodically amended, but it has never been thoroughly reviewed and revised until now. The time has come for a complete overhaul. Industry and government have had to function in today's world under yesterday's archaic rules.

Under the current Excise Act, for example, there is a rule that requires companies to make changes to their records in ink only. Under another rule, licensed producers are prohibited from operating at night unless the Canada Customs and Revenue Agency, CCRA, gives prior authorization and has an excise officer present at the producer's expense. These are but two examples of the kind of archaic rules still on the books.

Quite simply, the time has come to bring the Excise Act into the 21st century. In the first place, the pervasive controls imposed by the Excise Act have resulted in high compliance costs for industry.

These controls impair the competitiveness of Canadian alcohol producers, who face increased competition at home. A second problem is industry implementing new technology and adopting modern business practices that cannot be accommodated under the existing act. Third, the current act impedes the ability of the CCRA to adopt fully modern administrative practices. Additional issues such as the taxation of tobacco manufactured in Canada under two statutes and the problem posed by contraband wine also need to be addressed.

In response to these concerns, the Department of Finance and the CCRA released a discussion paper on the Excise Act review in 1997. Draft regulations and legislation were subsequently made public in 1999. The end result of this process is the proposed new Excise Act, which we are debating today. Because extensive public consultations were an integral part of the review, this bill has broad support among the spirits, wine and tobacco sectors, the provincial liquor boards and law enforcement agencies.

Before discussing the main components of the proposed new framework, I want to point out that substantive tax base and rate issues for alcohol and tobacco products were not part of the review. Furthermore, this bill does not address beer, which, with the concurrence of the brewing industry, will remain under the existing act for now.

Honourable senators, Bill C-47 incorporates the key elements of the proposed framework outlined in the 1997 discussion paper. For example, the bill extends the current production levy on spirits to wine; it removes the outdated and onerous controls on premises and equipment and replaces them with controls over the production, possession, importation and use of non-duty paid alcohol; and it defers duty on both packaged spirits and wine to the wholesale level. In addition, the bill extends current comprehensive controls on the non-beverage uses of spirits to wine, eliminates the nominal rates of duty for certain non-beverage uses of spirits and substantially increases fines for alcohol-related offences.

Bill C-47 also provides a more streamlined framework for the taxation of tobacco by replacing the current excise duty and excise tax on tobacco products other than cigars with a single production levy. It also incorporates the revised tobacco tax structure that became law last year. That structure includes an excise levy on manufactured tobacco sold in duty-free shops, a customs duty on manufactured tobacco imported by returning residents under traveller's allowance, and a revised excise tax and duty structure for exported domestic and manufactured tobacco.

I want to assure honourable senators that the fundamental controls over tobacco in the existing excise framework will be maintained under the proposed new act. As well, the current offence provisions relating to the illegal production, possession or sale of contraband tobacco will remain. At the same time, proposed new administrative measures will enable the CCRA to improve its level of service to clients and its overall administration of the excise framework for alcohol and tobacco products. A range of modern collection enforcement tools will help to ensure compliance with the proposed legislation.

Before closing, I want to mention three additional excise measures that are included in Bill C-47.

The first provides the proper legislative authority for ships' stores regulations, which the Federal Court of Appeal recently ruled went beyond the scope of their enabling legislation. Another measure provides affected operators on the Great Lakes and lower St. Lawrence River with a temporary fuel tax rebate program to help make the transition to the new ships' stores rules. This rebate will be available to those operators of tugs, ferries and passenger ships on the Great Lakes and lower St. Lawrence River whose entitlements to ships' stores relief are being discontinued. The third measure re-establishes a uniform federal tax rate for cigarettes across the country, as announced last fall. These federal tax increases are part of the government's comprehensive tobacco strategy to reduce tobacco consumption by Canadians.

Honourable senators, throughout the review of the Excise Act, the government was guided by three main objectives. The first was to provide a modern legislative framework for a simpler and more certain administrative system that recognizes current industry practices. The second was to facilitate greater efficiency and fairness for all parties, leading to improved administration and reduced compliance costs. The third was to ensure the continued protection of federal excise revenues.

The measures in Bill C-47 meet all three objectives. Bill C-47 brings Canada's Excise Act into the 21st century, thereby meeting the needs of both industry and government to function and compete in today's world.

I would urge honourable senators to join with me today in ensuring speedy passage of this bill.

On motion of Senator Stratton, debate adjourned.

[Translation]

CRIMINAL CODE FIREARMS ACT

BILL TO AMEND—SECOND READING— SPEAKER'S RULING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Fraser, seconded by the Honourable Senator Hubley, for the second reading of Bill C-15B, An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act.

The Hon. the Speaker: Honourable senators, on Wednesday, June 5, 2002, Senator St. Germain raised a question of privilege with respect to Bill C-15B, amending the Criminal Code with respect to cruelty to animals. The senator's complaint revolves around a press release issued by Murray Calder, M.P. This document urged members of the Liberal rural caucus "to support the government's cruelty to animals legislation on the understanding that the bill can be amended in the Senate." As it happened, the bill passed the House of Commons on June 4 and it is now before the Senate.

[English]

According to Senator St. Germain, the press release is offensive because it suggests, in his view, that the Senate is being used to secure the support of some backbench MPs who had been

prepared to vote against the bill. The senator cited this passage of the press release in making this point:

Previously Calder had indicated that he and others would vote against the bill unless it could be amended.

The breakthrough came when Justice Minister Martin Cauchon agreed that he would look favourably on a rural-caucus-initiated amendment in the Senate that would offer limited assurances to responsible animal owners.

It is Senator St. Germain's contention that this kind of political strategy or manipulation diminishes the role and the independence of the Senate. It suggests that, from the public's perspective, it is the Minister of Justice, not the Senate, who will determine the outcome of amendments proposed in the Senate.

[Translation]

Citing previous rulings by a Speaker of the House of Commons, Senator St. Germain asked the Speaker of the Senate to find a *prima facie* question of privilege asserting that, if the Senate is to function with authority and dignity, it must be respected, especially by members of the House of Commons and the Executive.

[English]

There were interventions by several senators supporting the position of Senator St. Germain. The Leader of the Opposition, Senator Lynch-Staunton, as well as the Deputy Leader of the Opposition, Senator Kinsella, spoke in support of the question of privilege. As Senator Lynch-Staunton put it:

...we are being practically instructed, once we get this bill, to look with favour on an amendment that we have not even seen...If that is not an attack on our privilege, I do not know what is.

• (1600)

To buttress his case, Senator Lynch-Staunton cited the Twenty-first edition of *Parliamentary Practice* by British parliamentary authority *Erskine May*, dealing with the broad definition of contempt, which can be any act or omission that obstructs or impedes either House in the performance of its functions may be treated as a contempt even though there is no precedent of the offence.

Senator Kinsella raised at least two interrelated points when arguing on behalf of the question of privilege. The senator suggested first that the promise of the Minister of Justice, as he put it, to amend the bill in the Senate goes to the essence of the matter of a breach of privilege.

This is evident, according to Senator Kinsella, who cited the Sixth Edition of *Beauchesne*, where it states that "It is generally accepted that any threat, or attempt to influence the vote of, or actions of a Member, is breach of privilege."

The senator's second point has to do with an element of the argument that was made by Senator St. Germain as well. This has to do with the public perception of the Senate. In his opinion, the Senate will be viewed as a "laughing stock," irrelevant to the proper functioning of Parliament because its reputation is being undermined.

[Senator Kroft]

[Translation]

For his part, Senator Corbin seemed more offended by the actions of the House of Commons in passing a bill that he described as incomplete or defective. While sympathetic to Senator St. Germain, Senator Corbin explained that if he were a member of the other place, he would raise the question of privilege there.

[English]

Several other senators argued against the alleged question of privilege. The Deputy Leader of the Government, Senator Robichaud, found the statements of the press release to be basically neutral. According to the honourable senator, it did not assert, one way or the other, that amendments would be made to the Senate. To prove his point, the senator cited an answer of the Minister of Justice during Question Period when he said, "We must be careful and respect the Senate's process. There are different stages... The Senate will have to look at the bill. We will see what takes place at the time."

Though also opposed to the question of privilege, Senator Taylor had a different view of the press release. He claimed that it flattered the Senate because it suggests that the minister is willing to accept an amendment proposed by the Senate if it wishes to make the change. Senator Fraser, on the other hand, questioned whether any alleged arrangement between the Liberal rural caucus and the Minister of Justice actually pre-empts the Senate's freedom to conduct its business. As the senator noted, it does sometimes happen that when an amendment fails to get through in the other place, they are frequently proposed in the Senate in another attempt to get it through. It is important, however, as the senator explained, to separate the question of what a Senate committee does from the question about whether the press release was in some way reprehensible.

[Translation]

Senator Fraser's position was subsequently echoed by Senator Milne, the Chair of the Legal and Constitutional Affairs Committee. The senator noted that the committee rarely takes marching orders from anyone. Nor, as the senator put it, does the committee make amendments lightly. Amendments are not made, she explained, unless evidence has been presented before the committee that supports those amendments.

[English]

I wish to thank all honourable senators who participated in the debate on this question of privilege. As rule 43 explains:

The preservation of the privileges of the Senate is the duty of every Senator. A violation of the privileges of any Senator affects those of all Senators and the ability of the Senate to carry out its functions...

It is the responsibility of the Speaker to assist the Senate in this task by assessing all claims to a prima facie breach of privilege or contempt against the rights and interests of the Senate.

[Translation]

In this particular case, it is alleged that the apparent understanding, as presented in the press release, between the Minister of Justice and some members of the other place with

respect to amendments that might be proposed in the Senate actually infringes the rights of the Senate. It is viewed as calling into question the independence of the Senate and its autonomous authority to examine legislation. There are several aspects to this question that need to be assessed in order to determine its prima facie merits.

[English]

One argument that was made by Senator Kinsella in support of the breach of privilege suggested that the content of the press release somehow involved a threat or an attempt to influence the vote of a member. This is a very serious charge. Any clear threat would obviously constitute a breach of privilege; so, too, would any attempt to influence the vote of a member, either through a bribe or some other means. No evidence was presented in the exchanges heard Wednesday that this is, in fact, the case. No senator alleged that the content of the press release implied, directly or indirectly, any improper action on the part of the minister or anyone else that would constitute a threat against a senator or an attempt to influence the vote of a senator through a bribe or any other illegitimate means. In my judgment, there is no substance to any claim of a prima facie breach of privilege based on these grounds.

Other senators maintained that the press release amounted to a contempt against the Senate. Though it is admitted that contempt, unlike privilege, has no precise definition, the notion of contempt is reasonably well understood. Both Senator St. Germain and Senator Lynch-Staunton relied on this understanding in making their case. A contempt, as they explained, must involve some action or omission that has the effect of obstructing or impeding the Senate from properly fulfilling its duties or functions, even though there is no precedent for the offence. The arrangement alleged to have existed with the Minister of Justice based on the press release of Mr. Calder, they charged, is a contempt because it assumes or presumes that amendments will be made by the Senate. However, is this really a contempt?

Referring to Erskine May on the subject of contempt and, in particular, on constructive contempts, none of the examples cited in this British parliamentary authority resemble anything even broadly equivalent to what is alleged in this case. Among the constructive contempts reviewed are harsh reflections on the House, the publication of false or perverted reports of debates, and the premature publication of committee proceedings or reports. Erskine May also lists another category of offence that includes "other indignities offered to either House," but none of these examples, which involve disorderly conduct or insolent language, either spoken or written, corresponds to the Calder press release. Without the benefit of further evidence, it is difficult for me as Speaker to rule that a prima facie case has been made, that a contempt has been committed against the Senate.

Finally, it has also been argued that Bill C-15B is, in one way or another, defective or incomplete. The standard parliamentary authorities prohibit the introduction of bills that are blank or imperfect. When such a bill is identified, a point of order can be raised either to correct the bill or to discharge it. In this case, the bill is alleged to be defective. It has been asserted that the House of Commons may have passed Bill C-15B in anticipation of possible amendments in the Senate. Does this, however, properly constitute a question of privilege or a contempt?

Any bill that comes to the Senate from the House of Commons is subject to amendment. It is the fundamental task of the Senate to review, revise and possibly reject legislation received from the other place. That the Senate can amend bills does not necessarily mean that the bill received from the House of Commons is defective. No suggestion has been made that Bill C-15B, as it is written now, is a defective piece of legislation from a procedural point of view. As Speaker, I have no basis on which to inquire into the bill, and I have no authority to question the decision of the House of Commons that has passed this bill. I can see no question of privilege or contempt of the Senate based on the status of the bill itself.

Despite the fact that I have ruled that there is no basis for a *prima facie* question of privilege or contempt, I do share some sympathy with the concern expressed by some senators about the press release. Any suggestion, however inadvertent, that any House of Parliament can be improperly influenced or manipulated should be avoided. Both Houses, the Senate and the House of Commons, are wholly independent and autonomous. We can acknowledge and admit that political and partisan interests play a part in our deliberations. This is a fact, but this does not mean that one or another House is actually subject to manipulation by a minister. While I do not believe that the Minister of Justice is impeding the Senate's review of Bill C-15B, I recognize that the public may have a different perception based on the press release. Greater care should be taken in future to avoid creating this false perception.

Accordingly, honourable senators, we will resume debate on Bill C-15B.

On motion of Senator Nolin, debate adjourned.

• (1610)

[Translation]

THE ESTIMATES 2002-03

SECOND INTERIM REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

The Senate proceeded to consideration of the Sixteenth Report of the Standing Senate Committee on National Finance (*Estimates 2002-2003—Second Interim Report*) presented in the Senate on June 6, 2002.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I move adoption of the Sixteenth Report of the Standing Senate Committee on National Finance.

[English]

Hon. Lowell Murray: Honourable senators, there is a practice that the National Finance Committee tables at least one report on the Estimates before the Senate debates and adopts an interim supply bill. I would not put it any more strongly than that. It is a practice. I believe it is a healthy practice, and I subscribe to it. I do not think there is any obligation on us under the rules to that effect.

However, I should note, for the benefit of honourable senators, since we have a supply bill coming for second reading tomorrow, that the committee has had, before it, the Main Estimates since the month of March. We have held several meetings on these, the

first on March 12, with officials of the Treasury Board. We reported on that matter on March 19. The second meeting was on May 29, when we had a lengthy discussion with the President of the Treasury Board herself, the Honourable Lucienne Robillard.

I might parenthetically add that having the Main Estimates before us provides the committee with the latitude to consider just about anything that comes within the ambit of the federal government. Thus, without any further reference from the Senate, and on our own initiative, we have considered such matters as Treasury Board Vote No. 5, the contingency vote, and the uses or abuses of that vote. That is the subject matter of a separate report that is now before the Senate. We have in train a study of the financing and accountability of arm's length foundations created by the government to pursue various public policy objectives. This morning we began consideration of activities of the National Capital Commission when we had the chairman, Mr. Marcel Beaudry, before us. Honourable senators can rest assured that the committee is doing its work, both in analyzing the expenditures of the government and in pursuing larger questions that arise from the Estimates and from the public accounts.

Honourable senators, you will see in the report that we are discussing now a narrative indicating what we heard from the officials, and later from the President of the Treasury Board. There are references, for example, to the question of whistle-blowing. Our friend Senator Kinsella still has a bill on that matter before the Senate — indeed, it is back before our committee — Bill S-6. Meanwhile, the bill has been overtaken by events to some extent. The Treasury Board, as the minister told us, has hired Dr. Edward Keyserlingk as an integrity officer. Although his office has only been in operation for less than two months, it has already received between 30 and 40 demands for investigation and action on his part.

Inevitably, the committee canvassed with the minister and the officials the question of a large number of contracts that are administered by the Department of Public Works and Government Services. Honourable senators may be happy to hear that we did not try to duplicate the forensic work that is taking place in the House of Commons on that subject. However, we were concerned to know about the policy and safeguards that are in place with regard to contracts. While a number of the more notorious examples have come to light recently, the fact is that Public Works and Government Services administers as many as 60,000 contracts on an annual basis. The officials at Public Works assure us that, in general, the department does an excellent job in this respect and is recognized everywhere as having done so.

There is one other matter that relates to the public service reform initiative, which is under the aegis of the President of the Treasury Board, Madam Robillard. She plans to bring in legislation in the fall. The chairman of the committee tried gently to persuade her that it would be more in the public interest if she were to bring in a white paper in the fall, in order to encourage more wide-ranging and somewhat freer debate on matters. She would have none of it, however. She thinks that there has been enough discussion and she intends to move this legislation in the fall. Whether she does or does not — any proposed legislation is still, as they say, in the system and has not been approved by cabinet yet — the Standing Senate Committee on National Finance will have something to say about this.

[The Hon. the Speaker]

I have expressed, both at the committee hearings and in this chamber, as have other honourable senators, a considerable concern about the merit principle and the need to safeguard it. To me, that safeguarding, the protection of that principle, is intimately related to the role of Parliament in protecting the public service. The Public Service Commission is supposed to be the creature of Parliament. Unfortunately, in recent and not so recent years — in fact, for some time now — the Public Service Commission has been treated as if it were just another central agency of the government. Chairman and commissioners are appointed, supposedly, for 10-year terms, but there has been a revolving door over there as chairman and commissioners come and go into and out of the commission and back to other jobs in the public service. That is not the way in which the system is supposed to work. We have expressed some concern about that.

We have a great deal on our plate in the Standing Senate Committee on National Finance. We intend to pursue the issues that I have noted and a number of others. Meanwhile, I commend this report to your favourable attention.

[Translation]

Hon. Roch Bolduc: Honourable senators, I would like to add a word to the wise comments made by Senator Murray, who is the chair of the Standing Senate Committee on National Finance. I would like to underscore that when we met with Ms Robillard, the President of the Treasury Board, she told us that she was planning on introducing a bill or making a decision. I expect that her decision will deal with structural changes to the personnel management system.

• (1620)

As Senator Murray was just saying, we insisted on the fact that if public servants are competent, they will provide the government with reasonable service. Obviously, there are different ways of providing service. There are not only public servants in the departments, but also in administrative boards, government corporations, special agencies that have been created recently — they have been exempted from the general public service regulations and even some financial management rules — as well as foundations.

In theory, I have no objection to a variety of instruments of distribution. The most efficient one will be used. Accountability must be respected, even in the case of organizations that are not part of a department, a special agency or a foundation. It must be upheld. The basic principles of public administration absolutely must be maintained. One of these principles is the competence of the public service. In the end, this is usually best established through competition.

There is always a relative value to the qualifications of people. The best way to find out who is the most competent person is to put people in a situation of competition. This then allows the examiners to determine who is the best candidate. This goes for both recruiting and promoting people.

We must maintain the principles of competence and impartiality in the public service. Otherwise, if anybody can appoint anyone at anytime, we will find ourselves with the same patronage system that was in place until 1917, and even 1935. Human nature has not changed; it is still the same. Therefore, we must establish institutional safeguards to ensure that the public

good will be respected. One way to respect the public good in the management of public affairs is to rely on people's competence.

We must also maintain the principles of accountability. This accountability can take various forms. It goes without saying that there are two types of accountability, that of a department headed by a minister and that of a Crown corporation headed by a committee that reports to a minister. There are several formulas, but there are also basic principles that must be maintained regarding accountability and ethics. It is not because we are not part of a foundation that we can violate the code of ethics when managing public funds.

We have not only established policy safeguards, but also safeguards for performance and accountability. As a result, the Auditor General plays an important role. The audit he carries out is far more extensive than what would be carried out by a private sector auditor. It involves such aspects as optimization, which is not addressed by the private sector.

In other words, we are open to a variety of service delivery methods, but we are convinced that certain basic principles must be maintained, ones which are specifically applicable to public administration, particularly in areas of personnel management, financial administration and accountability.

[English]

Hon. Jack Austin: Honourable senators, I wish to ask Senator Murray a question or two.

The Hon. the Speaker: Before you do that, you require leave. Senator Bolduc was making his own intervention, and we have bypassed Senator Murray.

Senator Kinsella: Read the rules, Chair.

Senator Austin: If you do not want the questions, you do not have to hear the answers.

The Hon. the Speaker: Senator Murray, do you have any objection?

Senator Murray: I never have any objection to answering questions from Senator Austin.

The Hon. the Speaker: Are you asking for leave?

Senator Murray: No. Someone else has to ask for leave.

The Hon. the Speaker: It was moved by the Honourable Senator Robichaud, seconded by the Honourable Senator Hervieux-Payette, that this report be adopted now. Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

THIRD INTERIM REPORT OF NATIONAL FINANCE COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the seventeenth report of the Standing Senate Committee on National Finance (Estimates 2002-03 (Treasury Board Vote 5)—Third Interim Report) presented in the Senate on June 6, 2002.

Hon. Lowell Murray moved the adoption of the report.

He said: Honourable senators, I will not detain you long. I have a few comments to make. First, the interest and concern of the National Finance Committee about the uses and abuses of Treasury Board Vote 5, the contingency vote, are nothing new for us. In my time, certainly, as far back as December 1986, a committee report on Supplementary Estimates (A) for 1986-87 discussed this matter. Again, in 1989, on Supplementary Estimates (B), the committee had some comments and recommendations to make about it. Almost exactly a year ago, on June 12, 2001, we expressed concern about the creation of alternative delivery systems for government programs relying on the creation of Vote 5 for their funding.

First, I wish to insist that our concern about the uses and, in some cases, the abuses of this vote is not focused on the substance of a particular grant or a particular expenditure. It is, rather, focused on the process of going around parliamentary approval when it is not strictly necessary to do so. This vote is supposed to be used for miscellaneous, minor and unforeseen expenses. We are of the view that, in some of the cases we examined, some generous construction has been placed upon that rule.

We came to it as a committee. We have had three meetings on this issue. We heard from the officials of Treasury Board, and we also heard from the Auditor General, who has made a report on this matter. We likewise canvassed the matter with the most senior officials of Treasury Board: the deputy minister, the secretary of the Treasury Board and the comptroller general. We also took the occasion, when we had it, to discuss the matter in the presence of the minister.

The report speaks for itself. You will see somewhere in there that the minister and the senior Treasury Board officials told us that the guidelines governing the use of this vote by various departments, with the approval of Treasury Board, are now being reviewed by the Treasury Board. I should say that there are eight guidelines. Four of them have the formal, official approbation of the Treasury Board ministers, and the other four are guidelines that the secretariat of the Treasury Board has drawn up. They are all under review as we speak.

• (1630)

The question before us, therefore, was whether our report could have some impact on the process now taking place at the Treasury Board. The minister assured the committee that if we tabled a report in good time, it would be very helpful, and that our recommendations would be taken into consideration in this process. Therefore, we have tabled this report, and I am asking the Senate to adopt it.

The report contains nine recommendations, many of which touch upon the changes in the Treasury Board guidelines that we believe would clarify Treasury Board Vote 5 by placing proper limitations on it to safeguard against abuses in the future.

I hope it is obvious to all honourable senators — because it was a matter of discussion in the committee — that this report on Treasury Board Vote 5, the contingency vote, ought to be considered as an interim report. We have every intention of returning to the issue in the fall after we have seen the revised guidelines put out by Treasury Board.

In the meantime, honourable senators, I would respectfully ask that you adopt this report and the recommendations we have put forward.

On motion of Senator Cools, debate adjourned.

[Translation]

CODE OF CANADIAN CITIZENSHIP BILL

SECOND READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator Bolduc, for the second reading of Bill S-36, respecting Canadian citizenship.—(Subject matter referred to the Standing Senate Committee on Social Affairs, Science and Technology on April 16, 2002).

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, Bill S-36, respecting Canadian Citizenship, was introduced in the Senate on April 12, 2002. On April 16, 2002, the subject matter was referred to the Standing Senate Committee on Social Affairs, Science and Technology.

I am informed that the committee is still examining this important matter. Unless another senator wishes to speak on this bill today, I would suggest that the order stand until a subsequent sitting.

On motion of Senator Robichaud, order stood.

[English]

NATIONAL CAPITAL ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Noël A. Kinsella (Deputy Leader of the Opposition) moved the second reading of Bill S-44, to amend the National Capital Act. He said: Honourable senators, I should like to move the adjournment of the debate.

On motion of Senator Kinsella, debate adjourned.

STUDY ON EFFECTIVENESS OF PRESENT EQUALIZATION POLICY

REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Keon, for the adoption of the fourteenth report of the Standing Senate Committee on National Finance entitled: *The Effectiveness of and Possible Improvements to the Present Equalization Policy*, tabled in the Senate on March 21, 2002.—(Honourable Senator Stratton).

Hon. Terry Stratton: Honourable senators, I rise to join in debate on the adoption of the fourteenth report of the Standing Senate Commission on National Finance, entitled: "The effectiveness of and possible improvements to the present equalization policy," which was tabled in the Senate on March 21.

Through its \$10 billion equalization program, the federal government meets a constitutional obligation to financially assist less wealthy provinces. In practice, we are now in the unfortunate situation where all but two provinces — Ontario and Alberta — are considered to be "have not," British Columbia having only recently qualified.

My own province of Manitoba will receive \$1.2 billion from equalization this year. For the Manitoba government, this represents more than one revenue dollar in six. There is no question that without it we would face even higher taxes than our neighbours in Ontario, or significantly reduced services.

Two of the recommendations put forward by the Manitoba government are also recommendations of the committee — these being an end to the payment ceiling and a move to a ten-province standard for measuring what is to be equalized. The committee did not agree with the Manitoba government's other recommendation, that the floor be removed.

The ceiling provision restricts the growth of federal expenditures under this program. The federal government argues that this ensures that the program is affordable over the long run. The provinces, in turn, point out that the restraining payment growth during a time of strong economic growth makes it harder for the recipient provinces to provide the same level of services that are available in other provinces.

It seems that everyone wants to spend the current federal surplus, and provincial finance ministers are no exception. Indeed, in his testimony on November 7, Manitoba Finance Minister Gregory Selinger told us:

I am suggesting that the artificial ceiling imposed by the federal government since 1982 is not necessary. It is not necessary now at a time when the federal government is in balance and their revenues are quite healthy.

He went on:

Thus, we argue that the balance between equity and affordability can now be shifted back, the cap can be lifted off, and the federal government can carry that responsibility without any risk to its ability to balance the budget. If that risk did become apparent, we could meet, as a federation, and address that in a way so as not to penalize those provinces in greatest need of the transfer.

Honourable senators, the problem is that nobody knows how much it would cost to lift the ceiling, because your crystal ball would have to tell you how fast 33 different sources of revenue will rise or fall in each of the ten provinces in each of the next several years. However, we do know that, since 1982, the ceiling has reduced transfers by a cumulative total of some \$3.2 billion.

Honourable senators, back in September 2000, the ceiling was lifted for the 1999-2000 fiscal year, effectively neutering it as an election issue. The government promised to discuss a more permanent solution with the provinces, along with possible

changes to the clawback of offshore resource revenue. However, as it happens so often with this government, the promise was then forgotten as soon as the election was over.

Honourable senators, just as the ceiling provision is there to protect the federal government, the floor is there to protect the provinces. The floor ensures that a province does not experience a large cut in its annual payment, either because its economy is doing better than others in a given year, or because of an adverse effect resulting from changes in the way Statistics Canada calculates some of the many variables that go into the equalization formula, or because a province has been lucky enough to suddenly strike oil. Mr. Selinger told the committee:

Our argument is, if you have a cap and a floor, they should at least be equitable and symmetrical. Neither of them is truly necessary. There are better instruments for fiscal stabilization.

The Finance Committee took a different tack, arguing that removal of the ceiling should not be linked to removal of the floor. The committee noted that the savings from removing the floor are relatively small compared to the cost of lifting the ceiling and said:

• (1640)

It is the provinces, not the federal government, that run a fiscal risk if the floor is removed. A dramatic decrease in equalization payments could have serious implications for the level and quality of provincial services in the affected provinces.

Because the equalization program is designed to assist provinces to provide necessary services to their citizens, it makes sense to retain the floor in order to ensure that the level and quality of services are not unduly affected by volatility in the system.

Honourable senators, finally, there is the matter of the five-province standard versus the 10-province standard for measuring the ability of individual provinces to raise revenue. Currently, on the basis that it prevents wild year-to-year swings in the cost of the program, the formula for determining what is to be equalized only looks at five representative provinces. Alberta, with its vast resource income, is not one of these provinces.

The recipient provinces, including Manitoba, argue that this is unfair because this means that the formula does not properly compare fiscal capacity among all of the provinces. For example, Mr. Selinger told us:

There is no reason why we could not return to the 10-province standard in the formula. The 10-province standard would diminish the effect of resource revenues, because they would be spread out over a wider base. The volatility of resource revenues would not be as great an issue as they are, for instance, if you only include Alberta or exclude Alberta.

Honourable senators, here again we have to go to the issue of cost. From Ottawa's perspective, the five-province formula has saved \$31 billion over the past two decades, while from the perspective of the provinces and from the committee's perspective as well, this is a burden that has translated into reduced services for some Canadians.

Honourable senators, while I am a member of the Finance Committee that made those recommendations, I have some discomfort with their cost. It is one thing to suggest that we lift the ceiling and move to a 10-province standard. It is another matter entirely to say where the money will come from. If you do not have it, you do not spend it.

I am uncomfortable with the notion that, since the federal government now has a surplus, it should rush out and spend that surplus. Most honourable senators have either been around long enough or have followed federal politics long enough to remember how the spending excesses of the late 1970s and early 1980s led to the fiscal crunch of the late 1980s and early 1990s.

Any increase in spending on any program — it does not matter whether it is for equalization, the CBC, the gun registry, employment insurance or, for that matter, a new Parliament building in Ottawa — can only come at a cost of either tax reduction or debt reduction, or through cuts to other programs. I am not saying that the government should not improve or expand the program to better reflect its underlying principles, but it is essential that we know how we will pay for any changes.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

TWELFTH REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Austin, P.C., seconded by the Honourable Senator Joyal, P.C., for the adoption of the twelfth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (amendments to the Rules—official third party recognition), presented in the Senate on March 26, 2002.—(*Honourable Senator St. Germain, P.C.*).

Motion agreed to and report adopted.

RECOGNITION AND COMMEMORATION OF ARMENIAN GENOCIDE

MOTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Maheu, seconded by the Honourable Senator Setlakwe:

That this House:

- (a) Calls upon the Government of Canada to recognize the genocide of the Armenians and to condemn any attempt to deny or distort a historical truth as being anything less than genocide, a crime against humanity.

- (b) Designates April 24th of every year hereafter throughout Canada as a day of remembrance of the 1.5 million Armenians who fell victim to the first genocide of the twentieth century.—(*Honourable Senator Jaffer*).

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to speak to the motion that was moved by the Honourable Senator Maheu and seconded by the Honourable Senator Setlakwe on March 29, 2001, dealing with events that took place toward the end of the First World War in what was at the time known as the Ottoman Empire.

A number of senators have already spoken to this motion at its introduction, including Senator Di Nino, Senator Joyal, Senator Finnelly, Senator Cools and, most recently, Senator Taylor. I have followed the progress of the debate with a great deal of interest. It is my hope that all honourable senators will look at what has been said thus far in the debate, as the issue involved is one of tremendous complexity.

We in the Senate have the absolute privilege of working on issues that affect people all over the world. The in-depth study that we are able to do gives us a greater opportunity to reflect on issues, to address the issues and work to further issues. When Senator Cools spoke briefly on this motion, she noted it was a matter to be undertaken with a degree of seriousness. This is a point on which I believe all of us can agree.

Once again, I should like to reiterate that we are very fortunate to have the privilege to look at many issues and work on them extensively.

Hon. Shirley Maheu: Would Senator Jaffer respond to a question?

Senator Jaffer: Yes.

[*Translation*]

Senator Maheu: Some people think that these events took place too long ago to discuss all over again. These people may also think that all immigrants suffering from what they went through should leave these massacres behind them before coming here.

But let us take a moment to think about such statements. Let us analyse, extrapolate, imagine this philosophy. Let us imagine that we are a young Canadian family wishing to adopt a child. The child offered is so lovely that we immediately fall in love with it, but there is a problem. It was abandoned; both its parents were shot right before its very eyes.

The child is now ten and cries because it saw and felt this violence which led to the death of its parents. What can we say to this child? We can say: "Don't cry. I know that you are sad. I understand and I love you." We can also say: "I do not want to hear you crying. When I adopted you, I wanted you to leave all your emotional problems behind."

Is this really what we are asking our new Canadians, our immigrants and our fellow citizens to do? I would like to know what honourable senators think we should say to the Armenian communities who have been hurt and who are suffering from the terrible aftermath of this genocide.

• (1650)

[English]

Senator Jaffer: The honourable senator has asked a profound question. I would suggest that the strength of Canadians lies in the fact that we value people's roots. This is something that I, as a new Canadian, have learned from Canadians. We always must ensure that we honour people's roots.

The Hon. the Speaker: Honourable senators, is there another question?

Senator Maheu: I should like to move the motion standing in my name.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I move adjournment of the debate.

The Hon. the Speaker: Our normal practice is that we respect a senator's wish to speak.

It was moved by the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Kinsella, that further debate be adjourned to the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those honourable senators in favour of the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker: Is there agreement between the whips as to the ringing of the bells?

An Hon. Senator: One hour.

The Hon. the Speaker: The bells will ring for one hour. Call in the senators.

• (1750)

Motion agreed to on the following division:

YEAS THE HONOURABLE SENATORS

Adams	Kelleher
Andreychuk	Kinsella
Austin	Kroft
Bolduc	Léger
Callbeck	Lynch-Staunton
Carstairs	Milne

Chalifoux
Christensen
Cook
Cools
Corbin
Di Nino
Fairbairn
Fitzpatrick
Forrestall
Fraser
Gauthier
Grafstein
Gustafson
Joyal

Moore
Murray
Oliver
Pearson
Phalen
Poulin
Robertson
Robichaud
Roche
Sibbeston
Sparrow
Spivak
Stratton—39

NAYS THE HONOURABLE SENATORS

Baker
Banks
Biron
Day
Ferretti Barth
Finnerty
Furey
Gill
Hervieux-Payette
Jaffer

Kolber
Lapointe
Maheu
Mahovlich
Morin
Nolin
Pépin
Setlakwe
Stollery
Tunney—20

ABSTENTIONS THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: Accordingly, debate on this item is adjourned to the next sitting of the Senate.

Senator Maheu: Honourable senators, I wish to ask the Honourable Leader of the Opposition if this is a delay tactic or does he truly wish to speak to the motion after 15 months? I pray that he does.

The Hon. the Speaker: I will look to Senator Lynch-Staunton. If he wishes to answer the question, it is entirely up to him.

CRIME AND VIOLENCE

MOTION TO STRIKE SPECIAL COMMITTEE— DEBATE ADJOURNED

Hon. Anne C. Cools, pursuant to notice of April 16, 2002, moved:

That a Special Committee of the Senate be appointed to examine the questions of crime and violence in Canada, and their prevention, including the processes of criminal charges, plea agreements, sentencing, imprisonment and parole, with special emphasis on the societal and behavioural causes and origins of crime, and on the current developments, pathologies, patterns and trends of crime, and on the consequences of crime and violence for society, for Canadians, their families, and for peace and justice itself;

That the Special Committee have the power to consult broadly, to examine the relevant research studies, the case law and the literature;

That the Special Committee shall be composed of five senators, three of whom shall constitute a quorum;

That the Special Committee have the power to report from time to time, to send for persons, papers and records, and to print such papers and evidence as may be ordered by the Committee;

That the Special Committee have the power to sit during the adjournment of the Senate;

That the Special Committee have the power to retain the services of professional, technical and clerical staff, including legal counsel;

That the Special Committee have the power to adjourn from place to place within Canada;

That the Special Committee have the power to authorize television and radio broadcasting of any or all of its proceedings; and

That the Special Committee shall make its final report no later than two years from the date of the committee's organization meeting.

She said: Honourable senators, it being almost 6 o'clock, I rise to speak only a few words to the motion, which I wish to set in progress in respect of the important issues that it covers.

I will be asking the Senate to consider the constitution of a special committee to examine the important questions of crime and violence in Canada, with a special emphasis on their causes and prevention.

I am certain that many honourable senators are well aware of the work that I have done for successive generations in respect of this important matter and that they will give this issue the consideration and the attention it deserves. I cannot give it the consideration and the attention it now deserves; therefore, I propose to adjourn the debate and to continue at, perhaps, the next sitting of the Senate, when I will have more time at my disposal.

On motion of Senator Cools, debate adjourned.

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF INTERNATIONAL STATE AND NATIONAL STATE OF AGRICULTURE AND AGRI-FOOD INDUSTRY

Hon. Leonard J. Gustafson, pursuant to notice of May 30, 2002, moved:

That the date of presentation by the Standing Senate Committee on Agriculture and Forestry of the final report on its study into international trade in agricultural and agri-food products, and short-term and long-term measures for the health of the agricultural and the agri-food industry in all regions of Canada, which was authorized by the Senate on March 20, 2001, be extended from June 30, 2002 to March 30, 2003.

Motion agreed to.

The Senate adjourned until Wednesday, June 12, 2002, at 1:30 p.m.

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(HANSARD)

Wednesday, June 12, 2002

—
THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Wednesday, June 12, 2002

The Senate met at 1:30 p.m., the Speaker in the Chair.

[English]

Prayers.

SENATORS' STATEMENTS

THE HONOURABLE JIM TUNNEY

TRIBUTE ON RETIREMENT

Hon. Joyce Fairbairn: Honourable senators, today I want to say a few words about a good friend of mine in this chamber who has challenged my mind with his knowledge and his wisdom, who has lifted my spirits with his laughter and unquenchable optimism, who has touched my heart with his humanity for those less fortunate in this troubled world of ours, and for his kindness to me personally. I am speaking, of course, of our departing colleague Senator Jim Tunney — a dairy farmer for 30 years, an international consultant and a recognized expert on some of the most critical issues facing agriculture in Canada today.

Yesterday, senators on both sides of this chamber hailed all of the accomplishments of Senator Tunney, and regrettably I was unable to join in. I simply want him to know that it has been a privilege for me to serve with him in this place. I was so proud to have him join me in touring my beloved corner of southwestern Alberta, last August, to share our innovation in wind power brought about by the giant turbines in the foothills of the mountains at Pincher Creek and, most particularly, to see the drought with his own experienced eyes. He knew the depth of the crisis that we were facing. The people we met have not forgotten his words and his understanding.

In 15 short months, Senator Tunney has made a tremendous contribution to all those he represents and to the country he loves. I know that he is a gem of a colleague in this place. We all know our caucuses are supposed to be secret, but I want to let honourable senators know that Senator Tunney received five standing ovations this morning as our Liberal colleagues bid him farewell.

Like all of your friends, I will miss you, Jim. I also want you to become a vigorous and eloquent voice for this institution and the work we are trying to do on behalf of Canadians. I know you will. Please accept my warmest wishes to you, to Gladys and to your family for many more years of happiness and of public engagement.

[Translation]

NEW BRUNSWICK

ADOPTION OF OFFICIAL LANGUAGES ACT BY LEGISLATIVE ASSEMBLY

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, last Friday, New Brunswick adopted a new Official Languages Act. This historic event is of major significance for our province and for all of Canada.

Honourable senators will recall the constitutional resolution adopted unanimously as well by the Senate, which led to the amendment to the Charter of Rights and Freedoms by including section 16(2) relating to official languages in the province of New Brunswick. That amendment to the Constitution was made pursuant to the bilateral amending formula.

Honourable senators are also mindful of the work of this chamber in the protection and promotion of official languages throughout Canada. Therefore, I am confident that all honourable senators will be supportive of the unanimous adoption on Friday last of a new Official Languages Act by the Legislative Assembly of New Brunswick.

It is noteworthy, honourable senators, that on Friday our former colleague Senator Louis J. Robichaud was escorted on to the floor of the New Brunswick Legislative Assembly and invited by Premier Bernard Lord to sit in the premier's seat, from where Senator Robichaud spoke to the legislature. He congratulated the Government of New Brunswick "on its ability to create a masterpiece," and he spoke of how proud he was of each member of the legislature for being able to work together across party and linguistic lines.

We salute all New Brunswickers for their leadership in bilingualism. In the words of Premier Lord, "This is part of our own identity as a province. An identity we are all proud of."

ABORIGINAL HEALTH

Hon. Yves Morin: Honourable senators, on June 21, we celebrate National Aboriginal Day. Today, I should like to address briefly the serious problem of Aboriginal health, which is actually the most serious health problem faced by our country. If Aboriginal Canadians had the same health indicators as other Canadians, we would be by far the healthiest country in the world. There is only one solution to difficult health problems: it is not by throwing money inefficiently at them but by well-planned scientific research.

This is exactly what the government has done by setting up the Institute of Aboriginal Peoples' Health, one of 13 institutes of the Canadian Institutes of Health Research. Its director, Dr. Jeff Reading, a Mohawk from Southern Ontario, is known nationally and internationally for his research on native health, policy and social determinants. He has particular expertise in participatory research and has focused, in his research on diabetes, tobacco use and heart disease.

[Translation]

The challenge he set for himself is to ensure that health research relating to aboriginal populations is useful to them, respects their values and responds to their needs.

[English]

His institute has developed the Aboriginal Capacity and Developmental Research Environments Program to develop Aboriginal capacity in all areas of health research. It will encourage Aboriginal students to pursue careers in health research; provide opportunities to pursue research in partnership with Aboriginal communities; provide opportunities for Aboriginal communities to identify important health research objectives in collaboration with Aboriginal health researchers; and effectively communicate the research results. These centres, at first, are being established in Alberta, Saskatchewan, Manitoba and Ontario.

• (1340)

I also invite honourable senators to celebrate another Aboriginal researcher, Dr. John O'Neil of the University of Manitoba, who is working with Aboriginal communities throughout the province to study factors that impede or advance the development of a First Nations-controlled health care system.

Through the work of dedicated researchers such as Dr. Reading and Dr. O'Neil, Aboriginal peoples in Canada are taking control of their health through research.

NEWFOUNDLAND AND LABRADOR

AGREEMENT ON VOISEY'S BAY NICKEL MINE

Hon. Bill Rompkey: Honourable senators, yesterday, I had the privilege of taking part in one of the most significant announcements ever to be made in our province. My association with Labrador goes back about 40 years, and I cannot remember an announcement as significant for Labrador as this one.

Many honourable senators know of the details already. There is an agreement between Inco, the province and other groups to proceed with development of perhaps the richest nickel mine in the world. There will be an investment of \$3 billion in our province over a period of time. There will be thousands of jobs created for people in an area where jobs are desperately needed and where there are relatively few alternatives.

Over a period of 30 years, there will be a deposit of \$11 billion into the GDP of our province, much of which will be clawed back in equalization. However, there is not much we can do about that at this point. We will just carry on.

Apart from the investment and the jobs, the most significant point is the fact that yesterday, for the first time, I saw at the table, Aboriginal and non-Aboriginal groups in solidarity, pursuing a project that will be a winner for all of them.

Today, I want to congratulate Peter Penashue, President of the Innu Nation, and William Barbour, President of the Labrador Inuit Association. I want to thank the federal government for its contribution. Most of all, I want to thank and congratulate Premier Roger Grimes, through whose perseverance and skill this deal was put together.

The most significant aspect of the agreement for us, in the long run, is not the money and the jobs; it is the fact that there is a

solidarity among the people of Labrador that I had not seen before. Although this is one project, there will be others. For the long term, that is the most significant point.

I congratulate all those groups who were at the table.

STEVEN TRUSCOTT

REVIEW OF MURDER CASE

Hon. Marjory LeBreton: Honourable senators, earlier today I was honoured to participate in an event with the Right Honourable Joe Clark, Leader of the Progressive Conservative Party of Canada, and Mr. Peter MacKay, M.P., Progressive Conservative justice critic in the other place. Our event was in support of Steven Truscott and his quest for justice.

In 1959, at the age of 14, Steven Truscott was convicted for the murder of 12-year-old Lynn Harper. He was sentenced to hang, a sentence which was commuted by then Prime Minister John Diefenbaker. After serving 10 years in prison, he was released on parole and has consistently maintained his innocence since that time.

By supporting his application for a section 690 review, we strongly believe that everything possible must be done to correct this apparent miscarriage of justice. The section 690 review of the case was undertaken, on behalf of Mr. Truscott, by the Association in Defence of the Wrongly Convicted, whose team is headed by renowned criminal justice lawyer James Lockyer.

Last January, the federal Minister of Justice announced the appointment of former Quebec Appeal Court Judge Fred Kauffman, to review the merits of this case. As Peter MacKay stated:

After reviewing volumes of material, the 690 application and supporting documents and having had several conversations and meetings with Mr. Truscott, his family and legal team, I am convinced beyond any reasonable doubt, that Steven Truscott did not murder Lynn Harper.

Honourable senators, given the fact that the original case was built almost entirely on circumstantial evidence, much of which does not withstand proper scrutiny, compelling fresh evidence and the overwhelming historical and public interest in a final resolution, members of the Progressive Conservative caucus in Parliament felt it important to show their support for the effort on behalf of Steven Truscott.

Speaking personally, honourable senators, I saw Mr. Diefenbaker shed tears over Steven Truscott and the way he was treated by our justice system. I met, many times, with Isabel LeBourdais, who wrote the original book on Steven Truscott, when she was visiting Parliament Hill. I believed at the time, in 1959 — and I remember the case vividly — and I have believed ever since, that Steven Truscott is an innocent man.

PLIGHT OF AFRICA

Hon. Eymard G. Corbin: Honourable senators, in less than two weeks, the G8 summit in Kananaskis, Alberta, will take place, at which the leaders of the world's most powerful nations will meet for less than two days.

During this time, one of the main topics on the agenda is the new partnership for development in Africa, or NEPAD, an initiative by African leaders to address the underdevelopment of Africa. The Prime Minister of Canada will be spearheading the discussion on this important matter.

We are all, by now, familiar with the statistics surrounding Africa. Half of Africa's population lives on less than \$1 U.S. a day; 73 per cent of the world's HIV cases are in sub-Saharan Africa, and over one quarter of the continent does not have access to potable water.

It is also a fact that although fault lies with poor leadership by many, but not all, of Africa's politicians, the blame for Africa's current state falls mainly on the West. I know, I need not go into any lengthy details surrounding the legacies of both the slave trade and colonialism. However, these legacies, coupled with the political manoeuvrings of the Cold War, saw such things as the police state, institutionlization of bribery and despotic rule, as standard fare in African society.

To date, the West's attempts at reconciliation have taken the form of IMF and World Bank loans, loan packages loaded with conditions that, in reality, have done practically nothing to alleviate the absolute poverty in Africa today. Others have tried before and have failed.

Although NEPAD does address important topics, such as the lack of infrastructure in Africa, as well as the much-needed regional integration of its markets, gender parity and primary school enrolment, it is not my belief that any major gains for Africa will be achieved through this and other initiatives at Kananaskis.

The NEPAD document is well written but requires the support of all major world powers and multilateral lending agencies, something I do not feel it will receive. Regardless of this, we as politicians must not rely on NEPAD and the G8 summit to solve issues of Africa's underdevelopment. By now, we should realize that one-formula reform packages simply do not work with Africa. Instead, we must take the lead in initiating positive and cooperative reforms, on a country-to-country basis. We owe it not only to the future generations of Africa but to ourselves as well, and to the reputation and credibility of our nation.

I wish the G8 summit participants wisdom, clarity and foresight in their deliberations. I hope that the G8 leaders will retain their sense of realism.

ROUTINE PROCEEDINGS

SPECIES AT RISK BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-5, respecting the protection of wildlife species at risk in Canada.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Banks, bill placed on the Orders of the Day for second reading two days hence.

• (1350)

[Translation]

ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

MEETING OF COMMITTEE ON COOPERATION
AND DEVELOPMENT, APRIL 10-14, 2002—
REPORT OF CANADIAN DELEGATION TABLED

Hon. Rose-Marie Losier-Cool: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report by the Canadian Branch of the Assemblée parlementaire de la Francophonie and the accompanying financial report. The report is on the APF Committee on Co-operation and Development meeting held in Monaco, from April 10 to 14, 2002.

MEETING OF PARLIAMENTARY AFFAIRS
COMMITTEE, MAY 11-15, 2002—REPORT OF
CANADIAN DELEGATION TABLED

Hon. Pierre De Bané: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report by the Canadian Branch of the Assemblée parlementaire de la Francophonie and the accompanying financial report. The report is on the APF Parliamentary Affairs Committee meeting held in Beirut, Lebanon, from May 11 to 15, 2002.

[English]

BAN ON WEAPONS IN SPACE

NOTICE OF MOTION

Hon. Douglas Roche: Honourable senators, I give notice that, two days hence, I will move:

That the Senate recommend that the Government of Canada lead an international effort to ban the introduction of all weapons in space through a binding international agreement against the weaponization of space, given

- (i) the termination of the Anti-Ballistic Missile (ABM) Treaty, and U.S. military plans to include space-based weapons in the National Missile Defence (NMD) system; and
- (ii) the weaponization of space would instigate a dangerous and costly arms race and disrupt peaceful commercial and scientific endeavours in space.

ACCESS TO CENSUS INFORMATION

PRESENTATION OF PETITIONS

Hon. Lorna Milne: Honourable senators, I have the honour to present 372 signatures from Canadians in the provinces of Alberta, Saskatchewan, Manitoba, Ontario, New Brunswick

and Nova Scotia, who are researching their ancestry, as well as signatures from 127 people in the United States and two from the United Kingdom who are researching their Canadian roots. A total of 502 people are petitioning the following:

Your petitioners call upon Parliament to take whatever steps necessary to retroactively amend the Confidentiality-Privacy clauses of Statistics Acts since 1906, to allow release to the public after a reasonable period of time, of Post-1901 Census reports starting with the 1906 Census.

I have now presented petitions with 18,229 signatures to this Thirty-seventh Parliament and petitions with over 6,000 to the Thirty-sixth Parliament, all calling for immediate action on this important piece of Canadian history.

I would point out to honourable senators that just a fast scan through these petitions today shows that they came from, in Nova Scotia: Kentville, Spring Hill, North Sydney, Beaver Cove; in New Brunswick: Dufferin, Brockway, St. George; in Ontario: Stony Creek, Simcoe, Port Rowan, Hagersville, Omemee, Richmond Hill; in Alberta: Seven Persons, Edmonton, Medicine Hat, St. Albert, Calgary; in Saskatchewan: Creighton; and in Manitoba from Flin Flon.

QUESTION PERIOD

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

STATUS OF CPAC CONTRACT NEGOTIATIONS— INTERVENTION BEFORE CRTC

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, my question is addressed to the Chairman of the Internal Economy Committee. I gave him notice about this topic recently, so I hope I am not taking him by surprise.

This is to clarify the status of the CPAC contract which is presently being discussed between the Internal Economy Committee and CPAC. There is a suggestion that the Internal Economy Committee has intervened before the CRTC, which is currently assessing the renewal of CPAC's licence, and as an intervenor may be objecting to the renewal of that licence.

I have a briefing note that I cannot identify but it seems official enough. I am sorry that I cannot ascribe it to any authorship, but from the way it is written, it seems fairly complete, and even official. In one of the paragraphs it reads:

On April 11, 2002, as part of the CRTC licence renewal process, the Senate filed its intervention opposing the renewal of CPAC's licences unless the Senate's demands were met.

I am hoping that the chairman can reassure us that, despite the dispute we may be having, or the misunderstanding or whatever during the negotiations, this has not led us to oppose the renewal of CPAC's licence.

Hon. Richard H. Kroft: Honourable senators, I wish to thank the Leader of the Opposition for his notice. Although I was quite comfortable in my informal response to him, I have now had an opportunity to review the documentation of negotiations and of the actual interventions. I think I can give some comfort on the matter.

Let me assure honourable senators that there is absolutely no intention, nor has there ever been any suggestion, of a denial of a licence to CPAC. I believe all honourable senators, particularly through our committee work, are great fans of CPAC and are delighted with the opportunity to have our work broadcast through them.

The problem is that there have been issues of scheduling, issues of presentation and timing and the lack of predictability of scheduling that, we felt, needed a lot of improvement. An extended period of negotiation was unsuccessful. Having given notice, we became an intervenor at the hearings. However, there is certainly no question of CPAC being denied a licence and simply not being there. As a matter of fact, that would be totally counterproductive since we are anxious to do more with them.

Let me read to honourable senators from the actual written quotes of the intervention. I will read the overleaf clause.

The purpose of this intervention is to invite the Commission to re-examine CPAC's role as Canada's broadcaster of parliamentary proceedings in connection with CPAC's television coverage of Senate activities. For the reasons elaborated upon below, the Senate submits that CPAC's current coverage does not properly reflect Parliament to Canadians and otherwise fails to implement fully several aspects of the state of policy objectives of the *Broadcasting Act*. Of particular concern to the Senate is the need to:

- (a) provide additional broadcast time for Senate programming in a manner commensurate with the extent and importance of Senate activities;
- (b) make available to the greatest number of Canadians programming of the Senate on a regularly scheduled basis...

The core of the problem is that we are asking that a fresh look be taken by the CRTC, and primarily by CPAC, to recognize the duality of Parliament, and that a fair, reasonable and full presentation of Senate committee work and other programming reflecting the work of the Senate should be instituted to reflect a better balance.

We are, in no way, in competition with the House of Commons. We have carefully scheduled our requests to work around their schedule. They are primarily committed to the live broadcasting of Question Period. We have not made any attempt to interfere with that or any other programming that they have, and the way in which we presented our position has all been extremely positive.

Let me reiterate that we are all supportive of CPAC not doing less but doing more. The idea that we would be involved, in any way, with any suggestion of denial of licence rights to them is really not in order.

• (1400)

I am not sure what document the honourable senator is reading from. However, I have before me copies of the written transcripts. I have the oral presentations and I have the correspondence. There is no suggestion of any of what my honourable friend has just read, in any of these documents.

Senator Lynch-Staunton: That helps to clarify, I hope, the position of the Internal Economy Committee regarding the renewal of the licence. However, I do not understand why the discussions regarding the agreement were brought before the CRTC in the first place. What is their involvement? Bringing that to their attention could be interpreted as faulting CPAC in carrying out its responsibilities. The CRTC may feel that that would affect its decision on the renewal of the licence.

The question is: Why involve the CRTC in discussions on an agreement between two outside parties?

Senator Kroft: The answer is the lack of any alternative. The position of the House of Commons is enshrined in terms of the CRTC licence. They have that on which to rely. We, for historical reasons, do not. Therefore, we had to try to negotiate a position on a bilateral basis. We were not able to negotiate such an arrangement. Therefore, we had to seek the assistance of the CRTC in establishing conditions applying to the Senate, just as there are CRTC conditions applying to the House of Commons.

Senator Lynch-Staunton: The honourable senator is asking that the Senate be on the same basis as the House of Commons vis-a-vis the responsibilities of CPAC, as outlined by the CRTC. Currently, we are not included in those direct responsibilities. Any coverage of Senate activities by CPAC is done voluntarily by them. There is no imposition by the CRTC to do so. Whereas, now, you are asking for that imposition to apply to the Senate as well, is that correct?

Senator Kroft: Our position has always been to attempt to arrive at a satisfactory agreement without that being necessary. That was our attempt over several months, but we were not able to accomplish it. Therefore, we are now seeking to have conditions imposed, protecting the position of the Senate and the right of Canadians to be aware of the activities of the Senate. We have asked the CRTC to make that a condition of the licence, yes.

Senator Lynch-Staunton: I would ask the chairman if he would be willing to send a summary of the discussions and an update on exactly where we stand on this issue to all senators, in the next few weeks. Questions are being asked. The briefing note from which I read — and perhaps I should not have done so — was troubling. The honourable senator has given a summary assurance, but it is not totally clear what we are doing before the CRTC. I ask that a summary of our position and the reaction of CPAC and the CRTC, if there is any, be provided.

Senator Kroft: I would be very pleased to provide that information.

STATUS OF CPAC CONTRACT NEGOTIATIONS— INTERVENTION BEFORE CRTC— PROVISION OF CLOSED CAPTIONING

Hon. Jean-Robert Gauthier: Honourable senators, I happen to have knowledge of that presentation also, because I read the

transcript. Nowhere in the discussions with the CRTC, the Senate and CPAC is real-time captioning mentioned. Honourable senators know my interest in captioning.

The hard of hearing in Canada, approximately 3 million people, are waiting for the CRTC to impose real-time captioning. Why did the Senate, in its presentation, not make note of that to the CRTC? Are there any reasons?

Hon. Richard H. Kroft: CPAC receives the transmissions from the Senate in both languages. The matter then rests with CRTC in their discretion, or under their obligations. This has always been part of our concern. We have gone to the length of making both French and English language available to them. They are perfectly equipped now, if I am correct, to broadcast in both languages on the basis of what we provide. Our technology is different and more advanced than that of the House of Commons. We provide no obstacle there.

FOREIGN AFFAIRS

TIMELINE OF FOREIGN POLICY REVIEW

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government in the Senate with respect to the foreign policy review. When will the government institute or initiate its foreign policy review, or has it already been completed? If so, has it been referred to cabinet? If it has not been so referred, how will such a review be conducted?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the foreign policy review, to the best of my knowledge, has not begun. It certainly has been discussed by the Minister of Foreign Affairs. However, the process has not yet evolved.

Senator Forrestall: Could the Leader of the Government in the Senate provide us with some indication of the timeline? I am assuming that a viable foreign policy review should precede a defence review. I am rather interested in the timeline.

Further, when the foreign policy review is completed, will the minister table it in this chamber?

Senator Carstairs: Honourable senators, to the best of my knowledge, no timeline exists at this particular point in time. The honourable senator has raised a question that has been raised here before. Any defence review would have to take place, obviously, in conjunction with, or subsequent to, a foreign policy review. It is my understanding that that is the process the government will follow. However, neither process has begun.

PRIME MINISTER'S OFFICE

ETHICS GUIDELINES—MINISTERS COMMUNICATING WITH CROWN CORPORATIONS

Hon. Marjory LeBreton: Honourable senators, my question is for the Leader of the Government in the Senate. The Prime Minister has revealed new rules regarding ethics for cabinet ministers. The new guidelines prohibit ministers from having contact with heads of Crown corporations. However, there is no similar ban on ministers' staff, who can still exert influence on behalf of their bosses. This means that if a minister wants

something done for a friend, instead of dealing directly with the head of the Crown corporation, he or she can send an emissary, who has all the authority of their boss's offices, to do the work instead. Under these guidelines, apparently that would be considered perfectly ethical.

Except for the ban on direct physical involvement by a minister, how does this new rule really change anything?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, this new rule makes things much clearer in two aspects: First, the minister who has responsibility for a particular Crown corporation cannot contact that individual, nor can his staff, about a particular constituency issue or problem, if it is a direct reporting procedure. If, however, it is not a direct reporting procedure, a minister's staff person can contact an officer of a Crown corporation to make that officer aware of a particular constituency issue. To do otherwise, I would suggest, honourable senators, would make that member of cabinet, who is also a member of Parliament, unable to serve constituents.

ETHICS GUIDELINES— INFLUENCE ON SPONSORSHIP PROGRAM

Hon. Marjory LeBreton: Honourable senators, the new ethics package announced by the Prime Minister has been labelled as a response to the reports of widespread mismanagement in the federal government sponsorship programs in Québec. However, nothing in the package directly relates to these scandals, thereby giving the government the appearance of doing something on this matter, while it is actually doing nothing.

How do these guidelines shed light on the mess that was the government's sponsorship program? Could the government leader tell us exactly how the government will keep something similar from happening in the future?

Hon. Sharon Carstairs (Leader of the Government): I will take the two issues separately, since they are two separate issues. The ethics parcel that was announced by the Prime Minister looks not just at one government program but at all government programs. It crosses the entire aspect of all government activities and sets clear guidelines for the future respecting the relationships of ministers and consultations of members of Parliament, including the members of this chamber.

In terms of the sponsorship program, we already know of an audit that was conducted in 2000. We know that the Auditor General has indicated that she has serious concerns with that program. We have urged the Auditor General to open up the entire evaluation of the sponsorship program, and we have called in the RCMP on a number of files where it became clear that there might be — and I stress "might be" — criminal activity. They are to investigate any potential criminal activity.

• (1410)

ETHICS GUIDELINES—POWERS OF ETHICS COUNSELLOR IN DEALING WITH LOBBYISTS

Hon. Roch Bolduc: Honourable senators, my question is for the Leader of the Government in the Senate.

The 1993 Liberal Red Book promised, in part, the following:

The Ethics Counsellor will have the power both to require reporting of lobbying fees in relation to government procurement contracts and to disclose publicly any contract, fee, or activity that may be contrary to the Code of Conduct for Lobbyists.

Could the government leader advise the Senate as to why there was no mention of giving the Ethics Counsellor any such power in the ethics package released on Tuesday?

Hon. Sharon Carstairs (Leader of the Government): The government has been very clear that it wants to make changes to the Lobbyists Registration Act. These changes would include the following: a clearer definition of lobbying and the need to register; stronger enforcement provisions, including disciplinary measures and penalties; and simplified registration and strengthened deregistration requirements by requiring all lobbyists to update or renew their filings every six months.

As the honourable senator is already aware, the Ethics Counsellor has already been charged with investigating the activity of lobbyists, and that will be ongoing.

ETHICS GUIDELINES—TABLING OF ANNUAL REPORT OF ETHICS COUNSELLOR

Hon. Roch Bolduc: The Prime Minister promised yesterday that the annual report of the Ethics Counsellor "will be presented to the Speaker of the House." The French version refers to le président de la Chambre des communes. Hence, it is clear that only the House of Commons will receive this report. Could the government leader please advise the Senate as to why the annual report of the Ethics Counsellor will not also be tabled in this house of Parliament?

Hon. Sharon Carstairs (Leader of the Government): It has been the practice that reports that are tabled in the House of Commons are subsequently tabled in the Senate. If further clarity is necessary in that matter, I will bring it to the cabinet table.

Like the honourable senator, I too believe that the annual report of the Ethics Counsellor should also be tabled in the Senate of Canada.

ETHICS GUIDELINES—CODE OF CONDUCT

Hon. Marcel Prud'homme: Yesterday, the Prime Minister announced new ethics guidelines for the ministry and a new appointment procedure for the Ethics Counsellor. If you read further, on page 9 of the guidelines, it says:

The Prime Minister has asked the Leader of the Government in the House of Commons, with the Leader of the Government in the Senate, to work with the government's caucus and opposition parties so that Parliament can consider a Code of Conduct by October 2002.

The government will support parliamentary adoption of a Code of Conduct by year-end.

Having sat on one of several committees that looked at a code of conduct years ago, and having followed the work of the Milliken-Oliver report in 1997, I know that some of us would wish to participate in this endeavour.

The Prime Minister's announcement, as quoted above, states that the government's caucus and opposition parties will be involved in the process of considering a code of conduct. I would hope that honourable senators will take note that there are others, beyond the government's caucus and opposition parties, who may also be touched by this issue.

It has also been the case in the past that recommendations come too late, regardless of the issue. In that regard, it is my hope that the new czar of the conduct of members of both Houses of Parliament will be fully bilingual. The new appointee need not be either a French Canadian or an English Canadian. As long as the new appointee is fully bilingual, he or she can be of Polish origin, for example. What is important is that the appointee is fully bilingual and can put people at ease. This will be a very serious matter. I know from experience that those who are beyond reproach will be bothered by the mistakes of a very few. I hope the matter of bilingualism will be taken into consideration when this important matter is being considered, given the October deadline.

This issue has already been studied. I participated in it. For months, we studied it, then I disappeared. Senator Oliver and Mr. Milliken then took over. The issue is the same; nothing is new. One must be beyond reproach.

Let me draw the attention of honourable senators, for a moment, to the issue of dependents and spouses. Honourable senators will recall that John Crosbie's wife was adamant about not being included. The same argument will come back again.

It is in that regard that I should like to alert honourable senators, since we are leaving for the summer, of all the difficulties present. If there are those of us who believe we have something to offer, I would hope that our suggestions would not be rejected just because we sit in this corner.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is my strong view that all honourable members of this chamber should be a part of the ongoing work with respect to this file, since all of us will be affected by a code of conduct that will impose requirements on each and every one of us.

We have a very good starting point with Senator Oliver and Speaker Milliken's report of 1997. That should be the first issue of study. We have already begun, in our own caucus, as a result of the Prime Minister's announcement some weeks ago, a study of that report and comments that will be developed as a result of that. It is my hope that that will also happen in the other caucus.

At the appropriate time, we will pass legislation to put into force and effect, if that is the wish of members of both Houses of Parliament, such a code of conduct. It is my hope that the process will involve the active participation of each and every one of us.

Senator Prud'homme: My only comment is that the Criminal Code already covers everything required to control our conduct. Senator Oliver and others agonized over that matter. Hence, I do

not understand why there are those who insist that it would look good if we had a so-called code of conduct, when, if we applied the Criminal Code to the letter, there would be many people embarrassed to sit in either chamber.

Senator Carstairs: I do not agree that the Criminal Code covers all of the activities of parliamentarians. Honourable senators, when I first arrived here, it was with some surprise and amazement that documents that I was forced by law to fill out as a member of the legislative assembly in the Province of Manitoba were not available as similar declarations here in the Senate of Canada. I was quite shocked. The Speaker may remember that I asked for those forms, in order to complete them as I had done previously. Those declarations are not covered by the Criminal Code. That is just one example.

Should we have that kind of disclosure? That is what this debate will be about. I hope it will be fulsome, and I hope it will involve all members of the chamber.

GUIDE FOR MINISTERS AND SECRETARIES OF STATE—RESIGNATION FOR MISCONDUCT

Hon. Donald H. Oliver: Honourable senators, my question is to the Leader of the Government in the Senate.

It relates to the code of conduct guides that were announced yesterday by the Prime Minister, particularly the "Guide for Ministers and Secretaries of State." The first sentence under "Guide for Ministers and Secretaries of State" in yesterday's announcement reads as follows:

In our system of government, the Prime Minister is responsible for judging the conduct of Ministers and Secretaries of State.

Honourable senators, the Prime Minister has allowed a lot of questionable conduct. Can we assume from this that, in carrying out his responsibilities, the Prime Minister judged Alfonso Gagliano's behaviour to be acceptable; that he saw no problems with Andy Scott discussing internal RCMP matters within earshot of others; that he thought it was okay for Brian Tobin to spend \$40,000 on office furniture; that he saw no problems with David Dingwall intervening to have a federal-provincial highway project go through his riding; that he judged it okay for Ethel Blondin to use government credit cards for personal expenses; that he had no problems with Maria Minna giving untendered contracts to members of her riding campaign team for public relations work on an AIDS conference that had already ended? None of those ministers was asked to immediately resign.

• (1420)

Would the government leader not agree that one of the main reasons this government now faces ethics problems is the Prime Minister's failure to live up to the responsibility of judging the conduct of ministers and secretaries of state?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, first, I will give a simple answer: no. I do not agree with the honourable senator's statements. I do not agree with the honourable senator's accounting of activities as he has laid them out this afternoon.

With respect to the conduct of ministers and secretaries of state, under the principle of ministerial responsibility that I believe the Prime Minister was enunciating, only the Prime Minister has the right to hire and fire ministers of cabinet. That is a well-respected parliamentary principle. The ultimate judges of whether he has done his job well are, of course, the people of Canada.

Senator Oliver: Can the honourable minister point out what is in the new package that could have prevented the Groupaction scandal?

Senator Carstairs: Honourable senators, first, we do not know whether there was any criminal activity. That is being investigated by the RCMP, as it rightly should be. That is not the purview of parliamentarians. That is the purview of the police forces in this country.

In terms of whether the guidelines issued today could have brought these things to light sooner, we will know what went wrong with the sponsorship program when the Auditor General has made her final report. We know that mistakes were made. The government has been clear about that. We know that the audit done internally, at the request of the government, pointed out some of those errors and omissions, and they were addressed.

The ethics package goes far beyond one particular incident or program. It goes beyond Canadians' attitudes and perceptions of how politicians are performing and what their expectations of those politicians should be.

TRIBUTE TO PAGES ON DEPARTURE

The Hon. the Speaker: Honourable senators, before proceeding to Orders of the Day, I have a few comments to make.

[Translation]

I would like to take a moment to recognize some of our pages who will be leaving us soon.

[English]

I should like to start by noting Melanie Ching. Melanie is from Darlingford, Manitoba. She is a student at Carleton University and is going into her fourth year of a Bachelor of Arts Honours degree in Political Science, concentrating in Canadian politics with a minor in Canadian studies. As part of her degree, she will be participating in the Carleton-Leeds Internship Exchange Program and will be travelling to work at the British Parliament in London, England, for the coming school year.

[Translation]

Grant Holly is from Chatham, Ontario, and has graduated from Carleton University with a degree in public administration. Grant has been admitted to McGill University's Faculty of Law. He has postponed his admission until September 2003, to study in French and to travel.

[English]

Alicia Tumchewics, from Yellowknife, Northwest Territories, thoroughly enjoyed her experience as a page. She plans to continue her studies in language teaching at the University of

Ottawa in September, after returning to Yellowknife for the summer. Alicia tells us she will always remember her time in the Senate. We appreciate that.

We thank all of you for your service to the Senate.

Hon. Senators: Hear, hear!

ORDERS OF THE DAY

NUCLEAR FUEL WASTE BILL

THIRD READING—MOTION IN AMENDMENT— VOTE DEFERRED

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Jaffer, for the third reading of Bill C-27, respecting the long-term management of nuclear fuel waste.

Hon. Mira Spivak: Honourable senators, I wish to thank Senator Gauthier for his work on Bill C-27 and his explanation of government policy. I also wish to thank Senator Keon for his work on this particular bill. I remain unconvinced, however, along with many of the witnesses appearing before the Standing Senate Committee on Energy, the Environment and Natural Resources, that this bill represents the best approach to the problem of nuclear waste management.

Concerns were also expressed by other members of our committee, in particular, the chairman, Senator Taylor, who asked for amendments — one proposed by me and one by Senator Finnerty — that were voted down in committee. I wish to comment both on the substance of the amendments and the process in committee.

First, however, I should like to comment on some of the concerns raised by witnesses appearing before the committee, in particular, members of the Seaborn panel, which, honourable senators will remember, was called some time ago to do an assessment on the matter of nuclear waste management. For example, the B.C. Freedom of Information and Privacy Association felt that Bill C-27 will create yet another quasi-governmental body "...that will make public policy profoundly affecting the public interest and public safety; will perform what amounts to public services; will be responsible for spending an enormous amount of public funds, and yet will remain fundamentally unaccountable to Parliament and the Canadian public." In its brief, the organization noted that Britain has adopted a freedom of information bill that includes quasi-governmental organizations and can even include private organizations that perform public functions. Some of these provisions are also included in the freedom of information laws of Scotland, Ireland, Jamaica, Australia and New Zealand. Canada, therefore, is not in the forefront.

The Assembly of First Nations suggested that Bill C-27 be amended to make it clear that a decision by the Governor in Council on the management of nuclear fuel waste is "based on the principles of sustainable development." They stated that:

...the Federal Government is effectively relying on the nuclear energy industry to advise it of its options and implement the decisions.

In addition they said:

...the provisions of clause 14 of the Bill, are wholly inadequate to ensure that the interests of First Nations are protected.

They further stated the following:

The Federal Government by proceeding in this manner is abdicating its responsibility for protecting the public good, as well as compromising its fiduciary responsibility to First Nations. The Assembly of First Nations condemns this approach in the strongest language.

Concerns were expressed as well as to how the waste management organization will interpret significant socio-economic effects. They said:

...considering it is composed of bodies with a vested interest in limiting the liabilities of the waste management organization, it is conceivable that they would strive to define this term narrowly.

These were just some of their concerns.

The Sierra Club, whose representative testified before the committee and had made numerous representations beforehand, spoke to two main issues, the first one being "the lack of independence of the proposed waste management organization." The proposal in clause 6, that the waste management organization be comprised only of representatives of the nuclear industry, which, in their words, is responsible for this deadly and long-lived radioactive waste, is an outright conflict of interest. The "polluter pays" principle, which Senator Gauthier spoke of, can be implemented without the polluter being in charge of the solutions.

The Sierra Club noted that the nuclear industry's predilection for deep geological disposal is well known, but the international consensus on this issue is a myth promulgated by the nuclear society.

• (1430)

There is no consensus in society or in the scientific community on the issue of deep geological disposal being the best method.

The second main issue of the Sierra Club is the advisory council. In clause 8(2), the bill proposes that the advisory council be appointed by the waste management organization, which "virtually ensures that even the advisory council will reflect the nuclear industry viewpoint." The Sierra Club's position is that while there is no place for the nuclear industry on the board — that is, in a decision-making position — they could be on the advisory council where they could offer advice. "But," says the Sierra Club, "it is scandalous for...conflicted people to be making the decisions."

Honourable senators, not only should "the minister," under clause 2, be the Minister of the Environment — that is, the designated minister responsible for the act — and not the

Minister of Natural Resources, who is in a clear conflict of interest because he is also responsible for Atomic Energy of Canada Limited, but since the waste management organization should be truly independent, its members should be appointed by the Minister of the Environment.

The former members of the Seaborn panel had similar concerns. Mr. Blair Seaborn, the chairman, stated:

...I fear that a WMO created by the nuclear energy corporations themselves will not have an easy time convincing the public that it is acting in the public interest.

...the board should be appointed by the federal government...

...it will not come under the scrutiny of the Auditor General nor...the Commissioner for the Environment and Sustainable Development.

...the definition of nuclear fuel waste in clause 2 —

— should —

— include the word "domestic"...

Former Senator Lois Wilson, also a member of the Seaborn panel, testified that Bill C-27 falls short of capturing the intent of our recommendations. "Some of the words are the same," she said, "but they do not reflect what we had recommended."

Senator Wilson made four points. The waste management organization should be established at arm's length from the utilities and the Atomic Energy Commission. That was a unanimous recommendation of the Seaborn panel. The fact that the AECL's model for deep underground disposal remains as one of the options is likely to be pursued vigorously, despite the fact that the Seaborn panel noted 95 technical deficiencies in the model. This does not build public confidence. Second, with respect to the board, Senator Wilson's views are the same as Mr. Seaborn's. Third, the advisory council should be appointed by the federal government. Fourth, with respect to public consultation, the bill says the minister "may" engage in consultation with the general public and Aboriginal peoples, but Senator Wilson thought it should be mandatory.

Dr. Louis LaPierre, the third member of the Seaborn panel, said that it was stressed on numerous occasions during the panel's hearings that the agency should be perceived as being free of vested interest. However, as I read the bill, with the waste management organization and the advisory council being named by the waste management organization, there is a possibility that this may not be the case and that the latest science may not be addressed. This is just a smattering of the concerns.

Against this background of testimony, two modest amendments were proposed. One was to ensure that only domestic waste would be processed so that, in the words of the Sierra Club representative, Canada would not become an "international nuclear waste dump."

The second amendment addressed clause 15 of the bill, which reads:

The Governor in Council, on the recommendation of the Minister, shall select one of the approaches for the management of nuclear fuel waste from among those set out in the study, and the decision of the Governor in Council shall be published in the *Canada Gazette*.

The intent of the amendment made in committee, by changing "shall" to "may," was to enable the minister to select any other options that new technology may produce for the processing of nuclear waste and storage. For example, the Atomic Energy Commission of France is working on the disposal of nuclear waste through transmutation. As the Planetary Association for Clean Energy testified, this could result in a greatly reduced volume of radioactive substances to be stored.

With a dramatically reduced shorter radioactive life, storage requirements may be quite different from those made necessary by unprocessed spent nuclear fuel. The global management of spent fuel could be made easier, safer and less onerous.

Honourable senators, these modest amendments were voted down with the help of some senators who were not permanent members of the committee, who had not heard any of the witnesses and who freely admitted knowing nothing of the issue. Yes, that is what happened.

Under these extraordinary circumstances, I cannot support the bill, and I should like to move in this house the amendments that were made in committee. Perhaps there will be a change of heart.

MOTION IN AMENDMENT

Hon. Mira Spivak: Honourable senators, I move, seconded by Senator Cochrane:

That Bill C-27 be not now read a third time but that it be amended

(a) in clause 2, on page 2, by replacing line 9 with the following:

"nuclear fuel waste" means domestic irradiated fuel"; and —

— in other words, it cannot be imported —

(b) in clause 15, on page 8, by replacing line 41 with the following:

"recommendation of the Minister, may select."

The intent of these amendments is to not only ensure there is no nuclear waste imported into Canada that would be addressed by this bill but also to give the minister — the designated minister in the bill being the Minister of National Resources — the ability that, as new technology is developed, not to be limited to just those options that will be put before him and that are in the bill by the waste management organization, an organization not at arm's length from the government and totally under the jurisdiction of the nuclear fuel industry.

Senator Kinsella: Well said. Agreed unanimously.

The Hon. the Speaker: It was moved by the Honourable Senator Spivak, seconded by the Honourable Senator Cochrane, that Bill C-27 be not now read a third time but that it be amended —

Senator Kinsella: Dispense!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those honourable senators in favour of the motion in amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion in amendment will please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: Is there agreement between the whips as to the ringing of the bells?

Hon. Bill Rompkey: I would propose a half-hour bell.

Hon. Terry Stratton: I would suggest that we defer the vote to tomorrow at 3 o'clock, with a 15-minute bell.

Senator Rompkey: Agreed.

The Hon. the Speaker: The vote will take place at 5:30 tomorrow, and the bells will ring at 5:15.

Hon. Sharon Carstairs (Leader of the Government): No, Your Honour, the agreement was for a vote at 3 o'clock tomorrow.

The Hon. the Speaker: I am sorry. I did not hear that. Let me make sure that I understand so I can put the question to the chamber.

There is agreement between the whips that the vote not be recorded at 5:30 but rather at 3:00 tomorrow. Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: The vote will then be at 3 o'clock tomorrow. The bells will ring 15 minutes prior to the vote, or at 2:45 p.m.

Hon. Douglas Roche: Your Honour, I wish to make a speech to the bill. I cannot be here tomorrow. Will you permit me to make a speech on third reading of the bill now?

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the motion before us has been made.

• (1440)

The matter before the house is the amendment to Bill C-27 proposed by Senator Spivak, which is now subject to a house order for a vote, that vote to be taken tomorrow at 3 o'clock with a 15-minute bell.

We appreciate the fact that Senator Roche wants to speak to the amendment or to the bill. If it is to the bill, then we are two steps removed, and that creates difficulty, I think, procedurally.

The Hon. the Speaker: Procedurally, when I asked senators if they were ready for the question, the time to have risen would have been before the question was put. For Senator Roche to speak now would not be in accordance with our rules.

However, we have a remarkable way of facilitating people here by way of leave. If Senator Roche is asking for leave, he may do so. Otherwise, we must proceed with the Order Paper.

Senator Kinsella: To be clear, after the vote is taken tomorrow, which I expect will be successful, we will then have an amended bill, and Senator Roche would be able to speak to the bill, as amended. Should I be wrong in my prophecy, we would be at least back to third reading of the bill, unamended. That would be the time at which Senator Roche could speak.

Senator Graham: Senator Roche will not be here, though.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, according to the comments made by my honourable colleague, tomorrow, after the vote on the amendment, the Honourable Senator Roche could speak. I agree. He believes that this bill will be amended? I am not so sure.

[English]

The Hon. the Speaker: If I might clarify my understanding, all of that is so, but Senator Roche indicated that he would not be here tomorrow, so he has asked for leave to speak today. However, I take it leave is not granted. Senator Roche, I will let you speak.

Senator Roche: I was rising to respond, Your Honour. It is not my wish to interfere with the *Rules of the Senate*. I fully understand that. However, I should like to explain that I did not rise when Senator Spivak put her amendments because I thought I would be interfering with an immediate vote. Thus, I did not seek to speak at that point. If I am not permitted to speak today, I will understand that. However, I want the Senate to know that I oppose this bill, and I should like some opportunity to explain my reasons for opposing the bill and supporting Senator Spivak's amendments.

The Hon. the Speaker: Honourable senators, my interpretation of the exchange between the house leaders is that consent is not granted to revert to the proceeding prior to the vote. We will proceed with the Order Paper.

CANADA NATIONAL MARINE CONSERVATION AREAS BILL

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Sibbeston, seconded by the Honourable Senator Bryden, for the third reading of Bill C-10, respecting the national marine conservation areas of Canada.

Hon. Gerald J. Comeau: Honourable senators, we are all familiar with the old saying that you do not get a second chance to make a favourable first impression. If one does not make a good first impression, one should at least try to correct the first bad impression. This would be wise advice to follow with Bill C-10, the marine conservation areas bill.

Bill C-10 has not been favourably received by Canadians who will be most impacted by the bill. The parliamentary process on this bill has made matters worse by reinforcing the impression that government supporters have no intention of hearing the concerns of coastal communities. Supporters of this bill state that they have studied the bill and that there is nothing further to be heard.

Let us look at this great consultative process. There were a total of eight meetings at committee, two with Parks Canada officials and two with Department of Justice officials to discuss Aboriginal concerns. Therefore, four of the eight meetings were with Ottawa officials. Out of the four remaining meetings to deal with real witnesses, one was with a representative from the Aboriginal Fisheries Commission, one with the World Wildlife Fund and one with the Canadian Nature Federation, who are supporters of the bill. In fact, there was one videoconference with seven witnesses from Northern British Columbia coastal communities who were each given three minutes to detail their concerns.

Government members spent more time selling the bill than listening to the concerns of the witnesses from the coastal communities. In effect, there was only one meeting to hear the views of non-Aboriginal coastal communities: so much for the great consultation. The committee refused to hear from the Gulf Island communities, and did not even bother to seek the views of the entire East Coast of Canada, the entire North or the entire Great Lakes region. All it heard from was the northern part of British Columbia.

I leave it to honourable senators to draw their own conclusions. Members of the committee can be excused because they are mostly from regions far away from the coastal communities.

Incidentally, according to the proceedings, the chair, after stating that he was satisfied that the committee had heard from a sufficient number of witnesses, declared that he was in a conflict of interest and turned the meeting over to the deputy chair for clause-by-clause consideration of the bill, which took only a few seconds. This was after all the testimony had been given by witnesses at the one meeting. Remember that we had one meeting with witnesses which were allowed three minutes each, after which the chairman says, "Oh, I am in a conflict of interest. I do not want to hear from further witnesses. I will hand the committee over now to the deputy chair because I am in a position of conflict." Again, I leave it to honourable senators to draw their own conclusions.

This bill is another example of government interfering in the lives and livelihoods of the people of coastal communities. It is, again, imposing central Canadian urban interests and values on their poor country cousins. It presupposes that the residents of coastal communities cannot be expected to protect the marine environment.

We realize that central Canadians have the political muscle to impose this bill, but it is not helpful. Academics wonder why Canadians are turning off to government. Why is there growing cynicism and apathy? Why are people demanding direct democracy and placing less faith and confidence in their parliamentarians? Why are so many Canadians not even bothering to vote anymore? This bill is a perfect example of why the process of governing is getting such a negative image, and why it is losing the confidence of average Canadians who struggle to make a living from the resources of the land and of the sea.

The government says it cannot afford to conduct research on fisheries and marine habitat. There have been cutbacks in enforcement capabilities and resources. Yet government can find the money to create a brand new bureaucracy to implement marine conservation areas, at a time when we have the tools to do so already under the Oceans Act, which is still not properly funded.

Both the House of Commons and the Senate committees to which this bill was referred refused to travel to the communities impacted by this bill to listen to their concerns first hand. Obviously the members felt that they knew better, and did not need to take into account the concerns of coastal communities. They invited the concerned parties in the coastal communities to give their views by way of video conference, and each was allowed three minutes. Hallelujah!

Honourable senators should be aware of the concerns expressed at committee and should delay this bill until proper consultation can take place. This committee heard, but it did not listen. Perhaps this chamber will approach the matter more seriously.

• (1450)

Honourable senators will recall that the committee spent all of one evening listening, via videoconference, to the concerns of a few coastal communities. Allow me to summarize some of the issues raised by the few witnesses who were able to get through the loophole to finally appear before the committee.

The following excerpts are from the testimony of Ms Betty J. Barton, President, Terrace and District Chamber of Commerce:

Forest and fishing industries are currently sagging.

Potential future resource development of northwestern B.C. marine areas could be severely limited.

The passing of this legislation could drastically restrict our fisheries, catch levels, fish farms, municipal tourism, shipping levels and oil and gas exploration.

Another example of people in the east making a decision about our lives in northwestern British Columbia.

Consultation has been less than adequate.

My concern about any of this going through is that the consultation process in the northwest, to date, in our minds, has been minimal, and once Bill C-10 is in place, how much more consultation will take place before these MCAs are put in wherever they are asked for along the coast?

The consultation is an uncertain thing, from what we have seen to date, either with Parks Canada, our local municipalities, the regional districts, the provincial government or anyone who has a stake in this.

We would like you to get rid of Bill C-10 altogether.

The following excerpts are from the testimony of Ms Jo Ann Groves, Councillor, Town of Smithers.

Legislation will have a detrimental impact on our already depressed economy.

Another level of oceanic bureaucracy.

We must take into account the interest of all parties that depend on or have an interest in the ocean environment.

The challenge now is to find ways to preserve and renew the richness of life based in rural and small communities, while at the same time adapting our institutions, government and infrastructures for life in a very different British Columbia.

The following excerpts are from the testimony of Ms Sharon L. Hartwell, Mayor, Corporation of the Village of Telkwa:

We are suffering in British Columbia, and especially in the North.

Businesses are closing and bankruptcies are climbing.

Why does the federal government feel that we will not do what is right to protect heritage in British Columbia?

Each marine conservation area and proposed development should be investigated on a case-by-case basis in order to determine if a balance can be struck between use and protection of the natural environment.

The following excerpts are from the testimony of Ms Joanne Monaghan, Vice Chairman, Regional District of Kitimat-Stikine:

At present our area is hurting badly. I do not know if honourable senators are aware, but we have lost thousands of jobs in our regional district because of the softwood lumber issue.

North coast communities are, therefore, very concerned that adoption of Bill C-10 will preclude aquaculture development, restrict access and discourage risk capital.

The second industry looming on the horizon for the northern half of coastal British Columbia is offshore petroleum exploration and development.

Again, federal government policy can support this economic transition, or circumscribe it by limiting access to resources.

There are other unknown resources. For example, sea animals and plants on the coast of British Columbia may be the foundation of new industries in Canada in the supply of highly valued products to a global marketplace demanding food, food components and pharmaceuticals.

However, we really would like to give you another invitation to come out to our area and see our concerns for yourself.

Bill C-10 presents another threat to our traditional economic sectors. B.C. is already suffering from poor commodity prices, and the marine conservation areas act also seems poised to prevent new opportunities from being realized in such sectors at aquaculture and petroleum development.

The following excerpts are from the testimony by Mr. Bill Beldesi, Chair, Skeena-Queen Charlotte Regional District:

One of the things we all share is our connection and proximity to the ocean. We depend on it for a place to travel, a place to work on, a place to play on and some of us even live on it.

The Skeena-Queen Charlotte Regional District joins with all the Northwest Coast communities in opposing Bill C-10. We do so because we are convinced that this bill will be unnecessarily restrictive legislation, negatively affecting our ability and our communities to pursue our chosen occupations and lifestyle.

We thank honourable senators for this discussion, for giving us this last-ditch opportunity. Our effort to have members of the House of Commons come to the North and talk to the people who will be most affected were unsuccessful. To be frank, your intervention is our last hope on this issue.

I should like to re-emphasize the overlapping of the proposed legislation. We believe that Bill C-10 is creating an additional level of bureaucracy while developing the marine conservation areas.

Already, the 1997 Oceans Act allows the minister to form and implement marine protected areas if he or she deems necessary.

The overlapping responsibilities between Heritage and DFO will include areas involving fishing, aquaculture, marine navigation and safety. What does that equal? In our opinion, that equals inefficient manpower and tremendous waste of taxpayers' dollars.

I could not have said it better.

Mr. Beldesi also said:

As was mentioned previously, as a result of the continuing poor economic climate of the northwest part of British Columbia, we are seeing communities in a last-ditch struggle to survive. We do not need more restrictive legislation such as Bill C-10 that will eliminate or escalate the expense of future economic development, whether it be gas and oil, electric generation by marine-based wind farms, the laying of underwater transmission lines or pipelines,

increased aquacultural opportunities or possible mineral exploration.

In closing, please consider this legislation carefully, honourable senators, and oppose Bill C-10. Thank you very much.

The following excerpts are from the testimony of Mr. Robert Corless, Deputy Mayor, District of Kitimat:

We believe that this legislation is based on policy direction set by Parks Canada in the 1980s and is decreed to serve international quotas rather than the present and future Canadian needs.

Simply, we view Bill C-10 as based on outdated suppositions and international ideals.

Canada does not need blanket restrictions on everything to preserve values.

Our marine environment is assured scrutiny, due diligence and ultimately protection under numerous pieces of legislation including the Oceans Act, the Department of Fisheries and Oceans — which can establish marine protected areas — the Canadian Wildlife Act and the Migratory Birds Convention Act, whereby Environment Canada can establish national wildlife areas, or marine wildlife areas under the Canadian Environmental Assessment Act. The CEAA process, with all its marine and ecosystem-based triggers, when combined with British Columbia's environmental legislation, leads the world for the most comprehensive custodial measures ensuring environmental sustainability.

Bill C-10, in-perpetuity legislation, regardless of the implications of decisions today on generations 50 to 100 years from now, once a marine conservation area is described and set down under Schedule I, it can never be removed or reduced without a change to the act. This is an excessive use of government.

You can understand my colleagues' concerns about consultation. Our council had to write twice to get an interview to let our views be known. We are very concerned about the consultation process around the table because we have had very little up until now. It is a concern to us. Frankly, we are having trouble trusting the process.

Honourable senators, need I say more? You have now heard the eloquent words of the representatives of just a fraction of the many thousands of people who asked to be given a fair hearing. Even if Bill C-10 were flawless, which it is not, the lack of trust in the process is a major cause for concern for all members of this chamber.

The Hon. the Speaker: I regret to advise the honourable senator that his 15 minutes have expired.

Senator Comeau: On a point of order, it is my understanding that the sponsor of the bill from this side had slightly more than 20 minutes, unless I am mistaken.

The Hon. the Speaker: The first speaker at first or second reading on either side is entitled to 45 minutes.

• (1500)

Senator Comeau: Have I used up my 45 minutes?

The Hon. the Speaker: The record indicates that you are the fourth speaker on this bill, according to the Table. Accordingly, the rules indicate that you have 15 minutes.

Senator Comeau: I have a point of order.

The Hon. the Speaker: Is the honourable senator asking for leave?

Senator Comeau: I wish to be absolutely sure on this. I am the first speaker from this side.

Senator Lynch-Staunton: Senator Carney spoke.

Senator Comeau: Honourable senators, I have about half a page left. I would seek leave for an extension.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, Senator Comeau is the fourth speaker on this issue. We are prepared to give him the time necessary to complete his remarks on this bill.

[English]

Senator Comeau: Honourable senators, I misunderstood the process. I thought the sponsor on this side of the house was the one who had 45 minutes. Apparently, I am wrong. That is something that should be reviewed under the rules.

In conclusion, honourable senators, even if the bill were flawless, which it is not, the lack of trust in this process is a major concern for all honourable senators. One of the major objectives of this chamber is to provide a voice for those who feel that their voices are not heard, to hear dissenting opinions. It is our duty to hear those voices and to listen attentively. Let us do what is right. Let us do our duty.

MOTION IN AMENDMENT

Hon. Gerald J. Comeau: With that in mind, I move, seconded by the Honourable Senator Beaudoin, that this bill be referred to committee to hear testimony from further witnesses.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

Hon. Tommy Banks: Honourable senators, it will not come as a surprise to Senator Comeau to know that I disagree, almost as much as it is possible to do so, with the impression that he has of the bill. I disagree with his impression of the witnesses and with the way in which the committee approached the question.

I have said before in another part of the debate — and I believe that those witnesses were assured of this in the teleconference to which the honourable senator refers — that if and when a marine conservation area is proposed, the consultation that is set out clearly in this bill will take place. I have no doubt that those same

persons will, if they happen to live in an area in which such a thing is proposed, find that that consultation will take place.

I wish honourable senators to bear this in context. Witnesses spoke of the impropriety of perpetuity with respect to what is, in effect, a park. I know it is not the same thing as a national park, but there are similarities. No one would suggest that the National Parks Act ought to include or preclude perpetuity. The entire point of the National Parks Act is perpetuity. We do not want some successive government some time from now to be able to say: "Banff National Park is not a national park any more because we found a mountain full of copper." That is not what national parks are for. That is not what they are about.

I wish to say to Senator Comeau that I have no difficulty imaging people who might have lived in areas such as Banff or Gros Morne, before they were made national parks, having established ways of life there with lovely homes by the river, objecting vehemently to someone who comes along and says: "We want to make this a national park." I understand that. However, the larger national interest in that hypothetical event would, I think, maintain that Canadians who live in the mountains have the same right to have certain parts of our marine heritage protected as people who live in Peggy's Cove have with regard to our mountain heritage. That is what this bill does.

The complaint was made — and Senator Comeau referred to this — that the bill is based on outdated concepts. Preservation of our natural heritage is never outdated, I would hope. That same witness who appeared in the teleconference also referred to a blanket prohibition. There is no such thing as blanket prohibition, except for the extraction of non-renewable mineral resources. The marine conservation areas, as honourable senators have heard before, are to contain sections that are marvels of sustainable development. Mineral extraction is not sustainable development, almost by definition.

I disagree also with the honourable senator's contention that Canadians are not in favour of this bill. I believe that the majority of Canadians are in favour of the preservation of our natural heritage and that it be done so in perpetuity when it is done and when it is done carefully.

I wish to remind honourable senators that, as is the case with the new National Parks Act, unlike the Oceans Act and the areas that are protected under it, and unlike the Canadian Environmental Protection Act, marine conservation areas will not be formed by regulation.

This bill sets out in the first place that the government will do exactly what it said it would do. In the second place, it sets out precisely the means and the process by which those ends will be achieved, and mandates that the minister shall do the kinds of consultation that I have suggested will take place.

Most important, honourable senators, these areas will not be established by regulation, as under the Oceans Act and the Canadian Environmental Protection Act. They will not be established by fiat; nor will they be established by the department, the minister, the government or the cabinet. These areas will be established at the pleasure of Parliament, and not only Parliament, in the normal sense of the word, but only in the event that either House of Parliament does not veto them. They

can be established only in the event that there is not demonstrable support in the communities that they will affect for their establishment.

We here, and people in the other place as well, will be able to say, without giving an excuse and without having to justify it, "This proposition will not proceed," if we are not satisfied here, and only here, that there is not support in the area in which a marine conservation area is proposed.

I do not see how anything could be more appropriate than that the establishment in perpetuity of areas that will maintain our natural heritage should be established at the pleasure of Parliament, rather than otherwise. Bill C-10, along with the National Parks Act, is a great step in that direction.

I urge all honourable senators, when it comes time, to oppose the motion in amendment of Senator Comeau and to support the bill as it stands.

The Hon. the Speaker: Is the house ready for the question on the motion in amendment?

Senator Robichaud: Question!

The Hon. the Speaker: Will those honourable senators in favour of the motion in amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion in amendment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: I look to the whips for agreement with respect to the time for the bell.

Hon. Bill Rompkey: It is agreed that there be a 15-minute bell.

Hon. Terry Stratton: I agree.

The Hon. the Speaker: Normally, this would be a one-hour bell. The whips are requesting a 15-minute bell, which would require leave of the Senate.

Honourable senators, is leave granted?

Hon. Lowell Murray: No. If they want a 30-minute bell, they can have a 30-minute bell.

Senator Rompkey: I would propose a 30-minute bell.

Senator Stratton: Certainly.

Senator Rompkey: Do I hear 20?

Senator Prud'homme: I propose 45.

Senator Stratton: Honourable senators, there are no committees meeting at this time. However, if there is a 30-minute bell, some committee will be wanting to meet.

The Hon. the Speaker: There is no leave for a 15-minute bell. Is there agreement between the whips for a 30-minute bell?

Senator Rompkey: Yes.

Senator Stratton: Yes.

The Hon. the Speaker: Is leave granted, honourable senators, for a 30-minute bell?

Hon. Senators: Agreed.

The Hon. the Speaker: The whips have agreed to a 30-minute bell. The Senate has agreed.

Call in the senators.

• (1540)

Motion in amendment negatived on the following division:

YEAS THE HONOURABLE SENATORS

Adams	LeBreton
Andreychuk	Lynch-Staunton
Atkins	Meighen
Beaudoin	Murray
Bolduc	Oliver
Cochrane	Prud'homme
Comeau	Robertson
Di Nino	Roche
Forrestall	Rossiter
Gustafson	Spivak
Kelleher	Stratton
Keon	Watt—25
Kinsella	

NAYS THE HONOURABLE SENATORS

Austin	Joyal
Baker	Kirby
Banks	Kolber
Biron	Kroft
Callbeck	LaPierre
Carstairs	Lapointe
Christensen	Léger
Cook	Losier-Cool
Cools	Maheu
Corbin	Mahovlich
Cordy	Milne
De Bané	Moore
Fairbairn	Morin
Ferretti Barth	Pearson
Finnerty	Pépin
Fitzpatrick	Poy
Fraser	Robichaud
Furey	Rompkey
Gauthier	Setlakwe
Gill	Sparrow
Grafstein	Stollery
Graham	Tunney—45
Hervieux-Payette	

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: Honourable senators, we will now resume debate on the main motion for the third reading of Bill C-10.

Is the house ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Honourable senators, it was moved by the Honourable Senator Sibbeston, seconded by the Honourable Senator Bryden, that this bill be read the third time.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those honourable senators in favour of the motion, please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition: On division.

Motion agreed to and bill read third time and passed, on division.

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO MEET DURING
SITTING OF THE SENATE

Hon. E. Leo Kolber: Honourable senators, with leave of the senate and notwithstanding rule 58(1)(a) I move:

That the Standing Senate Committee on Banking, Trade and Commerce have power to sit at 3:30 p.m. today, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: It leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO MEET DURING
SITTING OF THE SENATE

Hon. Michael Kirby: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Social Affairs, Science and Technology have power to sit at 3:30 p.m. today, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

BILL ON ACCESSION TO WORLD TRADE
ORGANIZATION AGREEMENT BY
PEOPLE'S REPUBLIC OF CHINA

THIRD READING

Hon. Jack Austin moved the third reading of Bill C-50, to amend certain Acts as a result of the accession of the People's Republic of China to the Agreement Establishing the World Trade Organization.

He said: Honourable senators, Bill C-50 has been reported to the Senate without amendment. I congratulate the Standing Senate Committee on Foreign Affairs for its thorough examination of the issues raised by Bill C-50. This examination included the way in which technical trade issues would be applied.

For example, Senator Carney, who held the post of minister for international trade for a time in the Mulroney government, pursued the mechanics of "preliminary determination." We were told by officials that under existing Canadian legislation, the responsibility for preliminary determination under WTO safeguards is that of the Minister of Finance. Should the Governor in Council receive the advice of the Minister of Finance that the provisional application of a safeguard measure be made, the matter is referred to the Canadian International Trade Tribunal for a further determination of whether there is injury to domestic producers.

• (1550)

Senator Andreychuk asked why the special safeguards in Bill C-50 were China specific. The officials advised that these special provisions in Bill C-50 were negotiated with China due to the size of China, its population and its economy, which made China a very different economic partner from almost any other in the world trade system. They are seen as an economic powerhouse in the making. Many other countries, including the United States, have acted to put in similar safeguards.

As I mentioned in my address on second reading, by agreement with China, these safeguards are to remain in place until 2013.

Senator Carney also asked what tests applied to the phrase "significant cause" in Bill C-50. The use of this test by Canada is questioned by the Chinese Embassy, as this term does not appear in WTO agreements but only in the protocol of accession of

China. Canadian officials believe that the use of the phrase "significant cause," which is also used in comparable U.S. legislation, is within WTO practice. In any event, should a dispute arise, it is WTO justiciable.

As honourable senators know, Bill C-50 received strong endorsement from Canadian industry, which sees itself as being in competition with Chinese imports where there are Chinese export surges or other circumstances beyond normal trading patterns. China well recognizes its responsibilities to ensure normal trade practices, and will monitor its own export industries and their trade behaviour.

I have previously spoken about the importance of China's accession to the WTO. China is a major trading partner in the world trading system, and its prominence will increase exponentially. Canada's policies for many years have been based on engagement with China. Not only do we aspire to see China as a responsible member of the world trading system but, in time, as a democracy with "Chinese characteristics."

Let us be clear to those whose concern is with human rights: Liberal trade with any country should never be seen as conferring moral approval. The world community has other ways of raising such issues.

Honourable senators, Canadian business believes it has a role to play in the development of China's economy. In this morning's *National Post*, there was an article headed, "China soon to top Canada in insurance sales: Sun Life." Sun Life, Canada's largest life insurer, is predicting, in this article, that the size of China's life insurance market will pass Canada's in as little as five years. Sun Life has made China a major investment market, as has Manulife.

Honourable senators, Bill C-50 is ready for your approval and I request that you provide it at this time.

Hon. A. Raynell Andreychuk: Honourable senators, I do not wish to speak to the subject matter of Bill C-50, as I believe we raised our concerns in the committee. In addition, department officials have, I believe, put on the record their understanding of our concerns and the monitoring that needs to go into the process of this bill. The fact that we are putting in separate rules for our dealings with China means that those rules need to be monitored to see whether they are effective, and benefit Canada.

There was an issue of a letter from the Chinese Embassy requesting an appearance before the committee and raising some concerns. That was adequately dealt with in the committee when the Chair undertook to see that a letter would go to the minister, indicating these concerns, and there will be a further and more adequate response to the Chinese officials.

Honourable senators, what I wish to put on the record today is the fact that there was no minister or parliamentary secretary to defend this bill at committee. While, perhaps, there was some discussion, Senator Austin had one view and I had another, of the need to have a minister present, it has always been the position on this side that if there is a significant bill — and I believe that Bill C-50 is such a bill — the minister, or at least a parliamentary secretary, should be there to defend it. We were told, in the committee, that the minister could not make himself available and there was no other official who could step in. That is why the concerns were raised both in the committee and here in the chamber by Senator Lynch-Staunton.

Yesterday, we had the benefit of having Minister Pettigrew come before us for a more global discussion of his portfolio. At that time, I raised the idea that it would be appropriate, and it should be his policy in the future, that he would try to be present when any bill is being presented on his behalf. He indicated to the committee that he could not make it to the committee on the day that had been requested, but he indicated that he could be available on other dates, and that he would make his parliamentary secretary available. I indicated for the record that that was not what had been said to us, and the Chair then made the same comment.

I believe that, in fairness to Minister Pettigrew, I need to put this on the record. There has been some misunderstanding or some issue at another level, but the minister has indicated that he was available, and that he will now be available for any other piece of legislation that comes forward in this house.

With that, the reading can go forward for completion.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

APPROPRIATION BILL NO. 2, 2002-03

SECOND READING

Hon. Anne C. Cools moved the second reading of Bill C-59, for granting to Her Majesty certain sums of money for the public service of Canada, for the financial year ending March 31, 2003.

She said: Honourable senators, I rise to speak to second reading of Bill C-59, for granting to Her Majesty certain sums of money for the Public Service of Canada, for the financial year ending March 31, 2003.

Bill C-59 is also known as Appropriation Bill No. 2, 2002-03. Bill C-59 provides for the release of full supply for the 2002-03 Main Estimates, for a total amount of \$39.4 billion.

The 2002-03 Main Estimates were introduced in the Senate on March 5, 2002. On March 6, they were referred to the Standing Senate Committee on National Finance for examination. On March 21, the Senate adopted the Senate committee's interim report on the Main Estimates, being the committee's thirteenth report. The Senate then passed Bill C-52, which was given Royal Assent on March 27, 2002. Since then, the Senate committee has continued its study on the Main Estimates 2002-03, and has met several times on these estimates.

• (1600)

On June 6, 2002, a few days ago, the Standing Senate Committee on National Finance presented its second interim report on the Main Estimates to the Senate, that is, the committee's sixteenth report. The Senate adopted that committee's report yesterday, June 11. That interim report on the Main Estimates, 2002-03, supports Bill C-59, Appropriation Bill No. 2, 2002-03, now before us for consideration. I ask honourable senators to support Bill C-59, the supply bill.

Honourable senators, the 2002-03 Main Estimates are for a total of \$170.3 billion. This amount represents an increase of \$5.2 billion, or 3.1 per cent, over last year's Main Estimates for 2001-02. These Main Estimates, 2002-03, represent budgetary spending authorities for a total of \$168.3 billion. This amount represents over 97 per cent of the expenditure plan as set out in the December 2001 budget by then Minister of Finance Paul Martin. The remaining balance includes provisions for further spending under statutory programs or for authorities that will be sought through the Supplementary Estimates. The December 2001 budget also provided for the revaluation of the government's assets and liabilities, and allowed for the anticipated lapses of spending authority.

Honourable senators, the Government of Canada submits its Estimates to both Houses of Parliament in support of its request for authority to spend public funds. These Estimates include information on both budgetary and non-budgetary spending authorities. I shall explain the meanings of budgetary and non-budgetary expenditures.

Budgetary expenditures include all those expenditures to service the public debt, all those operating and capital expenditures, all those transfer payments to other levels of government, organizations or individuals, and all those payments to Crown corporations.

Non-budgetary expenditures include loans, investments and advances that represent changes in the composition of the financial assets of the Government of Canada.

As I just stated, Appropriation Act No. 1, 2002-03, had provided for the release of interim supply in the amount of \$16.9 billion for the 2002-03 Main Estimates. Now the Senate is being asked to vote on the second appropriation bill, the bill for full supply, being Bill C-59. Bill C-59 represents the remaining portion of spending that is appropriated annually. As I said before, the National Finance Committee's second interim report adopted yesterday, June 11, supports Bill C-59, the Appropriation Bill No. 2, 2002-03.

Honourable senators, these Main Estimates, 2002-03, support the government's request for Parliament's authority for the government to spend \$56.3 billion under program authorities, for which Parliament's annual approval is required. The remaining \$112.1 billion, which is 67 per cent of the total, is for statutory expenditures, and those statutory expenditure forecasts are provided for information purposes only.

The President of the Treasury Board, the Honourable Minister Lucienne Robillard, appeared before our National Finance Committee on May 29, 2002. She was accompanied by Treasury Board officials Richard Neville, Deputy Comptroller General, and David Bickerton, Executive Director of Expenditure Operations and Estimates Directorate. Senators discussed these Estimates in some detail with the minister. The committee also called other Treasury Board officials to the table. These included Bill Austin from the Social and Cultural Sector, Jane Cochran, Executive Director of Procurement and Project Management, and Roberta Santi, Associate Deputy Comptroller General.

Minister Robillard spent a lengthy time, almost three hours, with the committee. She answered the committee members' questions fully, as she always does. Minister Robillard was open and amenable to senators' questions.

Honourable senators, I propose now to give an overview of some of the major changes in the 2002-03 Main Estimates. First, I shall recite the increases. Following that, I shall recite the decreases.

The following major increases include: \$3.8 billion for the statutory adjustment to the net Employment Insurance benefits and administration as reflected in the consolidated specified purposes accounts; \$1.3 billion for the Canada Health and Social Transfers; \$1.2 billion for direct transfers to individuals, such as increases in Old Age Security and Guaranteed Income Supplement; and \$613 million for public security and anti-terrorism initiatives.

These major increases also include: \$439.1 million for salary increases, including funds for the salaries of judges, RCMP members, and members of Parliament and House Officers' remuneration as adjusted in accordance with Bill C-28; \$382 million for the Resource and Management Review to meet Canada Customs and Revenue Agency's workload requirements, address rust-out, provide for investment requirements, and restore historical service levels; \$349 million in payments to various international financial institutions relating to the commitments made by Canada under multilateral debt reduction agreements; \$348.6 million for the Department of National Defence spending, including \$110.6 million for pay and benefit adjustments approved for military and civilian personnel; and \$348.1 million in transfer payments under the Canada Infrastructure Program.

Honourable senators, continuing with my overview of the major increases in the 2002-03 Main Estimates, there will be \$216.2 million to address core operational and/or capital requirements, including recruitment, retention and learning initiatives; \$169.8 million for the establishment of the Primary Health Care Transition Fund; \$155.9 million in contributions for the new Strategic Highway Infrastructure Program; and \$143.5 million for the Fisheries Access Program to support the transfer of fishery licences to Aboriginal fishers and to address sustainable economic development and exploration of Aboriginal and treaty rights; \$140.5 million for employer contributions to insurance plans for public service employees, largely caused by an increase in health care and other insurance programs and provincial health payroll taxes; \$113 million for government office accommodation, being additional space requirements of government departments, increased costs, and temporary space required to allow maintenance to the existing office space; \$107.6 million to meet the increased demand for ongoing programs and services, including the implementation of the Labrador Innu Comprehensive Healing Strategy; and \$97.5 million for climate change initiatives related to the Climate Change Action Plan 2000.

Honourable senators, the other amounts that are increases include: \$97.1 million in disability pensions due primarily to annual price indexation adjustments, and increases in the volume of attendance allowance awards and an increase in the level and number of disabilities as clients age; \$85 million in payments to the provinces and territorial governments; \$81.6 million for the introduction of two new contribution programs designed to give Canadians more access to arts festivals and live professional performances, to improve physical conditions for artistic creativity and innovation, and for new initiatives to provide Canadians with quality cultural events by assuring the consolidation and improvement of the organizational,

administrative, and financial condition of arts and heritage organizations; \$77 million for the implementation of regional innovation initiatives; \$76.7 million for the establishment of the new Federal Tobacco Control activities; \$76 million for the new Atlantic Investment Partnership Initiative; \$75.7 million for the merger of the Communication Coordination Services Branch of Public Works with Communications Canada; and \$74.3 million for the increased costs of doing business abroad, including Canada's membership costs in international organizations.

Honourable senators, these seemingly endless numbers are the true purpose of Parliament. The study of the Estimates and the business of holding governments to account require a high degree of study and a fair degree of exertion. Control of the public purse is the essence of Parliament. I shall continue now with my recitation of changes in the Estimates.

I shall continue to outline the increases in these Main Estimates 2002-03 as follows: \$74 million for the creation of a new program under the National Shipbuilding and Industrial Marine Policy Framework to stimulate employment in Canadian shipyards and an increase in payments under the Technology Partnerships Canada Program; \$69.5 million for the construction of the new Canadian War Museum, including the revitalization and development of the LeBreton Flats site, including site decontamination, road work and servicing; \$60.5 million in capital funding to complete the purchase of a new office building in Vancouver and for health and safety repairs to various installations; \$60 million for contributions for agricultural risk management, the Canadian Farm Income Program; and \$60 million to strengthen and enhance the Canadian Broadcasting Corporation's radio and television programming.

• (1610)

Honourable senators, still further increases include: \$56.1 million for the establishment of the Office of Indian Residential Schools Resolution of Canada, created in June 2001 by Order in Council; \$54.4 million, in large part due to the implementation of programs committed under the Ozone Annex of the Canada-United States Air Quality Agreement as well as for funding for the Climate Change Action Fund; \$53.2 million for interim funding, to ensure the integrity of the Canadian Food Inspection Agency's programs and to enhance the regulation and control of veterinary drug residues in food-producing animals and food products of animal origin; \$50.7 million, mainly for the increase in Canada's commitment to its international assistance envelope; and \$50.1 million for the encashment of notes of international financial institutions in order to meet Canada's commitment to the African Development Bank.

Honourable senators, in my description of the Main Estimates 2002-03, I shall speak now to the major decreases.

The major decreases include: \$5.4 billion in public debt interest and servicing costs; \$183.8 million as a result of the completion of the 2001 Census of the Population and the 2001 Census of Agriculture; \$133 million for the Canada Jobs Fund because of the June 2000 decision to close down the fund; \$101.7 million in payments to international organizations related to the encashment of notes by the International Development Association in accordance with the Bretton Woods and Related Agreements Act, as well as payments to the International Monetary Fund's Poverty Reduction and Growth Facility; \$91.8 million for government-wide initiatives largely due to the

sunsetting of funding for the Government On-Line initiative; and \$76 million to the Canada Education Savings Grant Program because the department now has access to a broader historical data base from which to produce more accurate forecasts of funding utilization.

Honourable senators, I continue with the decreases, which include: \$75.3 million for the merger of the Communication Coordination Services Branch of Public Works with Communications Canada; \$70 million to the Canada Student Loans Program due to the change in financing arrangements for student loans and student assistance as a result of the change to directly financed student loans; \$59.5 million to contributions to provide farm income assistance to the agricultural community Spring Credit Advance Program; \$57 million to the health infrastructure initiatives, due to the timing of the funding announcement in budget 2001 and the fact that incremental funding for this initiative will be accessed through the 2002-03 Supplementary Estimates; and finally, \$50 million in anticipated contribution payments to provinces under the terms of the disaster financial assistance arrangements.

Honourable senators, I move now to the non-budgetary side of expenditures. As I said before, non-budgetary expenditures include loans, investments and advances that represent changes in the composition of the financial assets of the Government of Canada. On the non-budgetary side, there is a net change of \$200 million, with the major increase being \$223.4 million in payments to various international financial institutions, and the major decrease being \$100 million related to the loans disbursed under the Canada Student Financial Assistant Act. This represents a summary of the Main Estimates 2002-03. This represents the contents of Appropriation Bill No. 2, 2002-03, Bill C-59, termed by us as our full supply bill.

Honourable senators, in closing, I should like to share some other aspects of Minister Robillard's appearance before the Standing Senate Committee on National Finance.

In her opening remarks to the committee, Minister Robillard, President of the Treasury Board, outlined some significant changes in the Estimates and highlighted several government initiatives. She noted that the events of September 11, 2001, have had an effect on government spending. She mentioned the comprehensive package of security-related initiatives totalling \$7.7 billion over six years, of which \$1.5 billion will be spent in the current fiscal year. Furthermore, Minister Robillard even noted that the government currently has several initiatives designed to assist in the development of the volunteer sector of society. The minister also discussed recruitment and retention issues in the Public Service and indicated her intention to introduce a bill this fall in the House of Commons on the reform of the Public Service. She highlighted the efforts of the Treasury Board to improve the government's ability to hire high-quality recruits and to retain its best employees. Honourable senators, I thank Minister Robillard.

I should also like to take this opportunity to thank Mr. Paul Martin, who is no longer in the cabinet, for his enormous contribution as Minister of Finance. I am sure that I speak for many senators in expressing thanks for the fine work he did while he was the Minister of Finance.

Finally, I should also like to thank the Treasury Board officials, Mr. Neville and Mr. Bickerton, who, as I have said before, are open and candid with us time and again.

In closing, as I ask honourable senators to pass Bill C-59, as deputy chairman I should like to thank, first, all the honourable senators who are members of this committee. I shall not name them, but I can see some of them looking at me as I speak. I should like to say that their dedication and commitment to this rather difficult and sometimes tedious work, to my mind, is to be admired.

Last but not least, to use a rather tired phrase, I should like to thank the chairman of our committee, Senator Lowell Murray. I should also like to say, in my deepest appreciation, that there are certain benefits to having a meeting chaired by a former minister of government in this instance. The senator in question is now a member of the opposition, but in another time, he was a member of former Prime Minister Mulroney's cabinet.

I should also like to note, honourable senators, that the House of Commons, which appears to be following the example of the Senate, seems to be moving to re-establish a committee for the study of Estimates. Yes, our committee is called the National Finance Committee, but it is really the Senate estimates committee.

Having said that, honourable senators, I thank you and invite all of you to support this very important initiative.

[Translation]

Hon. Roch Bolduc: Honourable senators, I am not going to speak at length because normally debate on a bill for granting to Her Majesty certain sums of money for the public service of Canada is brief. There are, however, two points I wish to make.

Not long ago, the Standing Senate Committee on National Finance gave serious consideration to the equalization formula, and a report was produced. There was almost no substantive debate on the principle, except for one point of view expressed by Michel Boucher, from ENAP in Quebec City, who said that, in principle, fiscal redistribution by the Government of Canada was a further obstacle to the effective allocation of resources in Canada. I do not want to get into that. Although I am somewhat of the same opinion, I agree that we should make an exception, which in this case is already provided for in the Constitution of Canada, and we know that it is not easy to amend our fundamental charter. It must also be remembered that we are talking about a program equivalent to 8 or 9 per cent of the federal budget. Setting aside the cost of servicing the debt, this is almost one per cent of Canada's GDP.

The committee's recommendations strike me as reasonable. I would be in favour of having the Department of Finance look further into a macroeconomic formula which would be easier to understand and which would entail less risk of error, such as occurred recently, to the astonishment of the governments of Quebec, Ontario and Manitoba.

Naturally, equalization is but one aspect of tax transfers to the provinces.

[Senator Cools]

• (1620)

In addition to these transfers to other levels of government, there are transfers to individuals. The Government of Canada has undertaken a vast redistribution of revenues over the last 50 years. Despite this, the distribution of revenue in Canada does not satisfy everyone, since equity is a vague concept that is only partly operative. Consequently, Canadian federalism is characterized, according to Quebec, by a significant tax imbalance caused by the rapid rise in health care costs, which were socialized during the 1960s without concern about the perverse incentives in the system that was set up. On top of this, the federal government reduced its contribution.

The Kirby Commission identified problems with the current system as a whole, but unless we change the incentives that are part of the system, it does not make sense to me to approve more public money.

My second comment on the tax imbalance relates to the fact that if the Government of Canada assumed its share of health care costs and NATO defence costs, the federal surplus would be quite different. Quebecers often forget this. They claim that the federal government has money and that health care spending in the provinces is on the rise. They forget that the federal government may not be pulling its weight not only in health care, but also when it comes to defence. This creates a surplus that we would otherwise not have.

There is reason to be sceptical about the tax imbalance issue. I am not saying it does not exist. My leader said the imbalance existed. The imbalance is not what people think it is. It exists because of health care. There is federal and provincial spending in education and in research. In these other areas, we are probably not doing our share. In recent years, we have been spending more on innovation. It is not a complete imbalance. It suits Quebec politically to claim that this is the case. I see this from a different perspective. We must be more moderate.

Canadian federalism has some virtues, in that it shares power between governments, a division I favour. It means we are not subject to just one yoke. This concentration has one major weakness: the same taxpayers are taxed twice for the same purpose, for instance health. This is a familiar problem in economics. Everyone is fishing in the same fishing hole, so the name of the game, politically, is that the first one to get there wins out. This is problematic.

Because of this situation, if there is financial imbalance in Canada, the solution is not to hand money back to the provinces, but to get it back into the taxpayers' hands through federal tax cuts. Before sending money to Quebec City, Toronto or wherever, it needs to go back to the people. It is their money. If there is any surplus, give it back to them. We will see what happens next. If other governments want to tax people, let them do so and shoulder the responsibility. The more redistribution there is, the more encouragement there is of a kind of systemic irresponsibility. Several people on this side of the floor do not agree with this expression of my prejudices. That is all I have to say for today.

Hon. Lowell Murray: I want to thank Senator Bolduc, not only for his remarks on our report on the federal equalization program, but also for his very important contribution to our review. I am very proud, and committee members can also be very proud that, yesterday, the Senate adopted our unanimous report. While we are proud of this, I can assure you that the governments of the provinces that will benefit from this will be very grateful.

A few weeks ago, I had the opportunity to meet public officials from the four Atlantic provinces, in Moncton. Most are concerned about the fate of the equalization program. It is not as if the equalization program were in danger of being abolished, not at all. However, the federal government has a tendency to lean towards direct payments to individuals, rather than transfers to the provinces. This puts provincial governments in an unenviable position, considering their responsibilities, particularly in the area of social policies and programs.

[English]

With regard to the supply bill now before us, I see no reason to prolong the debate, nor to delay the passage of the bill.

As I reported to the Senate yesterday, and as Senator Cools, the sponsor of this bill, confirmed earlier, the Standing Senate Committee on National Finance is well launched on our consideration of the Estimates for the fiscal year 2002-03. We have already submitted two interim reports. In an hour or so, we will be continuing our consideration of the financing and accountability of arm's length foundations set up by the government to pursue public policy objectives. We will also be considering whether and when to report on our discussions of yesterday with the chairman of the National Capital Commission.

In view of all that, honourable senators, I can assure colleagues that, in reasonably good conscience, they can vote supply. I join Senator Cools in commending this bill to your support.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

On motion of Senator Cools, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

[Translation]

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I seek the unanimous consent of the Senate to have all remaining items on the Order Paper stand until tomorrow. This consent would allow us to adjourn. Honourable senators would then be able to make it to the committees that are currently sitting.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Thursday, June 13, 2002, at 1:30 p.m.

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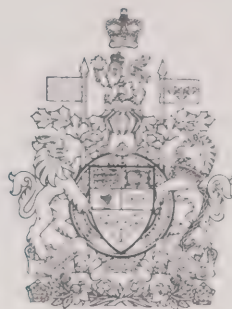
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(HANSARD)

Thursday, June 13, 2002

THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Thursday, June 13, 2002

[Translation]

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

HOUSING CRISIS

Hon. Lucie Pépin: Honourable senators, the major urban centres of our country are being hit by an unprecedented housing crisis. This year, a number of Canadians are going to have to face the consequences of this crisis, which has gone on for some time now. Once again, it is the poor who will be hardest hit.

We are told that this housing crisis is the result of a booming economy. According to some experts, there are no more rental housing starts because people prefer to buy. The market has figured that out and acted accordingly. Others say that construction costs are now so high that the monthly rent for a new apartment is as high as a mortgage payment. Another factor mentioned is that certain provinces no longer have rent control.

It is very likely that a number of different factors come into play. During this real estate boom, encouraged by low mortgage rates, there is a tendency to forget that poverty continues in our cities. Thousands of Canadians are far from being able to think about buying a house. Their concerns are much different. Many of them cannot even find a place to live.

There have been a number of other explanations offered to justify the housing shortage. One of them involves us directly. Some citizens' action groups have laid part of the responsibility for the present crisis at the door of the federal government, for having withdrawn from social housing programs in 1994.

Clearly, the government's withdrawal from this program has not been without consequences for the most vulnerable members of society. A number of the mayors of major Canadian cities have even declared this a "national disaster." This is completely understandable, because if a government pulls out of funding social housing, this generally results in a drop in vacancy rates, rent hikes and an increase in the numbers of the homeless.

The affordable housing program was announced in the 2001 Speech from the Throne. I know that a final framework has been developed and approved by the federal, provincial and territorial ministers responsible for housing. An amount of \$680 million earmarked for this initiative was mentioned in the December 10, 2001 federal budget.

The fact that our government is trying to solve this issue is a very positive step forward, because housing is a fundamental need for all Canadians. The state must give new impetus to the rental housing sector and, to this end, we must ensure that this program is properly targeted and that the funds are used properly.

Interest groups in Canada are going even further and asking that the government reinstate the social housing program for Canadians. It might not be such a bad idea.

[Later]

[English]

INTERNATIONAL FEDERATION OF AGRICULTURE PRODUCERS

APPOINTMENT OF JACK WILKINSON AS PRESIDENT

Leave having been given to revert to Senators' Statements.

Hon. Jim Tunney: Honourable senators, I wish to bring to your attention the recent election of Mr. Jack Wilkinson as President of the International Federation of Agriculture Producers. Mr. Wilkinson is currently the President of the Ontario Federation of Agriculture and will hold both portfolios. He farms at New Liskeard, in northern Ontario.

This appointment is significant, as Canada not only heads this important and extremely visible body, but we now hold three seats: Bob Friesen, President of the Canadian Federation of Agriculture, was elected and is the Vice Chairman of IFAP. Bob is a pork and turkey farmer from Wawanese, Manitoba. Leo Bertoria, who is President of the Dairy Farmers of Canada, also sits on the executive and chairs the IFAP Dairy Committee. He is a dairy farmer from Langham, Saskatchewan, with a spread of 728 acres.

The IFAP's role is to improve the situation of farmers globally. They represent 89 farm organizations with an estimated membership of 500 million farmers in 68 countries.

I am sure their mandate will be demanding. I do believe, however, that we have an extremely talented and experienced group of Canadians dealing with the many important agricultural issues at hand. Canada is certainly honoured to have such a strong representation of three farmers to the top echelons of this highly recognized worldwide organization.

ROUTINE PROCEEDINGS

THE SENATE

REPORT OF DELEGATION TO AUSTRALIA TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, a report concerning a Senate delegation that travelled to Australia from June 17 to 24, 2001, as part of the ongoing parliamentary exchanges between Canada and Australia.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FIFTEENTH REPORT OF COMMITTEE PRESENTED

Hon. Jack Austin, Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Thursday, June 13, 2002

The Standing Committee on Rules, Procedures and the Rights of Parliament (*formerly entitled the Standing Committee on Privileges, Standing Rules and Orders*) has the honour to present its

FIFTEENTH REPORT

1. In accordance with its mandate under Rule 86(1)(f)(i), and in obedience to its orders of reference of March 15, 2001 and October 18, 2001, your Committee is pleased to present the following report regarding the mandates and names of committees.
2. During the course of its deliberations with respect to the restructuring of committees, the Chair and Deputy Chair of your Committee consulted the Chairs of other committees, or in some cases met with the committees themselves, concerning the adequacy of existing mandates. There was wide agreement that existing committee mandates are not creating problems of effectiveness, and that a consolidation of existing mandates would not reduce workloads or demands on Senators' time. The prevailing view was that, if anything, the replacement of existing committees by new ones possessing combined or widened mandates would exacerbate existing problems. Your Committee concurs in these findings and, therefore, is recommending only one change, requested by the Standing Committee on Foreign Affairs, to recognize a distinct mandate concerning *Francophonie* relations in addition to mandates concerning Commonwealth relations and foreign relations.
3. Discussions have also been held with the Chairs of committees in order to ascertain whether there is general satisfaction concerning the existing names of committees, and their accuracy in reflecting the mandates currently in effect. These discussions have identified three committee names that, in the view of current Chairs, require modification. Your Committee agrees that committee names need to reflect, as fully as possible, the policy mandates of committees (including changes that have emerged in the policy fields reflected in these mandates) in order to maximize the transparency of the committee system, and therefore recommends three substantive changes, along with a technical change to the English name of your Committee:
 - that the "Senate Committee on Foreign Affairs" be replaced by "Senate Committee on Foreign Affairs and International Trade;"
 - that the "Senate Committee on Fisheries" be replaced by "Senate Committee on Fisheries and Oceans;"
 - that the "Senate Committee on National Finance" be replaced by "Senate Committee on National Finance and Government Operations;" and
 - that the "The Committee on Rules, Procedures and the Rights of Parliament" be replaced with "The Committee on Rules, Procedure and the Rights of Parliament."

Your Committee, therefore, recommends:

That rule 86 of the *Rules of the Senate* be amended:

A. by replacing paragraph 86(1)(f) of the English version with the following:

"(f) The Committee on Rules, Procedure and the Rights of Parliament, composed of fifteen members, four of whom shall constitute a quorum, which is empowered:

- (i) on its own initiative to propose, from time to time, amendments to the rules for consideration by the Senate;
- (ii) upon a reference from the Senate, to examine and, if required, report on any question of privilege; and
- (iii) to consider the orders and customs of the Senate and privileges of Parliament."

B. by replacing paragraph 86(1)(h) with the following:

"(h) The Senate Committee on Foreign Affairs and International Trade, composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, if there is a motion to that effect, bills, messages, petitions, inquiries, papers and other matters relating to foreign, Commonwealth and *Francophonie* relations generally, including:

- (i) treaties and international agreements;
- (ii) external trade;
- (iii) foreign aid; and
- (iv) territorial and offshore matters."

C. by replacing paragraph 86(1)(i) with the following:

"(i) The Senate Committee on National Finance and Government Operations, composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, if there is a motion to that effect, bills, messages, petitions, inquiries, papers and other matters relating to federal estimates generally, including:

(i) national accounts and the report of the Auditor General; and

(ii) government finance.”

D. by replacing paragraph 86(1)(o) with the following:

“(o) The Senate Committee on Fisheries and Oceans, composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, on order of the Senate, bills, messages, petitions, inquiries, papers and other matters relating to fisheries generally.”

Respectfully submitted,

JACK AUSTIN, P.C.
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Austin, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

NATIONAL FINANCE

BUDGET—EXAMINATION OF ADMINISTRATIVE
CONTRACT AT GOOSE BAY, LABRADOR AIRFIELD—
REPORT OF COMMITTEE PRESENTED AND ADOPTED

Hon. Lowell Murray, Chairman of the Standing Senate Committee on National Finance, presented the following report:

Thursday, June 13, 2002

The Standing Senate Committee on National Finance has the honour to present its

EIGHTEENTH REPORT

Your Committee, which was authorized by the Senate on Thursday, June 6, 2002 to examine and report upon the administrative contract now in existence at the Goose Bay, Labrador airfield, as well as the Request for Proposals to review the contract, to ascertain the effectiveness of this method of base operations in Canada in providing services for both military and non-military training activities, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of such study.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

LOWELL MURRAY, P.C.
Chairman

(For text of report, see today's Journals of the Senate, Appendix "B", p. 1763.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Murray: Honourable senators, this report concerns a \$10,000 item passed by the Standing Senate Committee on Internal Economy, Budgets and Administration for a study that begins on Tuesday. While I would not put up with this if someone else was asking for it, with leave of the Senate, and notwithstanding rule 58(1)(g), I move that the report be adopted now.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

• (1340)

ESTIMATES, 2002-03

FOURTH INTERIM REPORT OF
NATIONAL FINANCE COMMITTEE PRESENTED

Hon. Lowell Murray, Chair of the Standing Senate Committee on National Finance, presented the following report:

Thursday, June 13, 2002

The Standing Senate Committee on National Finance has the honour to present its

NINETEENTH REPORT

Your Committee, to which were referred the 2002-2003 Estimates, has in obedience to the Order of Reference of March 6, 2002, examined the said estimates, more specifically, the National Capital Commission and herewith presents its fourth interim report.

Respectfully submitted,

LOWELL MURRAY, P.C.
Chairman

(For text of report, see today's Journals of the Senate, Appendix "C", p. 1768.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Murray, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

STUDY ON INTERNATIONAL STATE AND NATIONAL STATE OF AGRICULTURE AND AGRI-FOOD INDUSTRY

REPORT OF AGRICULTURE AND FORESTRY COMMITTEE PRESENTED

Hon. Leonard J. Gustafson, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Thursday, June 13, 2002

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

TENTH REPORT

Your Committee, which was authorized by the Senate to examine international trade in agricultural and agri-food products, and short-term and long-term measures for the health of the agricultural and the agri-food industry in all regions of Canada, has, in obedience to its Order of Reference of March 20, 2001, proceeded to that inquiry, and now presents an interim report entitled, *Canadian Farmers At Risk*.

Respectfully submitted,

LEONARD J. GUSTAFSON
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Gustafson: Honourable senators, I will be sending this document to all of the provincial Ministers of Agriculture in Canada, each individually, as well as to the federal minister.

On motion of Senator Gustafson, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

SCRUTINY OF REGULATIONS

BUDGET—REPORT OF JOINT COMMITTEE PRESENTED

Hon. Wilfred P. Moore, for Senator Hervieux-Payette, Joint Chair of the Standing Joint Committee of the Senate and the House of Commons for the Scrutiny of Regulations, presented the following report:

Thursday, June 13, 2002

The Standing Joint Committee for the Scrutiny of Regulations has the honour to present its

SIXTH REPORT — “A” (presented only to the Senate)

Your Committee, which is authorized by section 19 of the *Statutory Instruments Act*, R.S.C. 1985, c. S-22, to review and scrutinize statutory instruments, now requests approval of funds to attend the “Red Tape to Smart Tape” conference, to be held in Toronto on September 25 to 27, 2002.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget

submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

CÉLINE HERVIEUX-PAYETTE, P.C.
Joint Chair

(For text of report, see today's Journals of the Senate, Appendix “D”, p. 1772.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Moore: With leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be taken into consideration now.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the opposition would prefer to consider this matter later this day.

The Hon. the Speaker: I shall put the motion again, to clarify what I understand the will of the house to be.

With leave of the Senate and notwithstanding rule 58(1)(g), it is moved by the Honourable Senator Moore, seconded by the Honourable Senator Kroft, that this report be taken into consideration later this day.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report placed on the Orders of the Day for consideration later this day.

THE SENATE

NOTICE OF MOTION TO AUTHORIZE SPECIAL COMMITTEE TO STUDY CANADIAN MEDIA

Hon. Joseph A. Day: Honourable senators, I give notice that, pursuant to rule 57(1), two days hence I will move:

A) That a Special Committee of the Senate of Canada be appointed to examine and report upon:

- 1) the evolving nature of the Canadian media industry, composed as it is of newspapers, magazines, radio, television, the internet and the world wide web, satellites and telephony;
- 2) the patterns of ownership and control of Canadian media;

3) the extent and nature of the competitive forces at play in the marketplace as they relate to Canadian media; and

4) the trends that are likely to influence any or all of these matters in the coming years;

B) That the Committee further have the power to examine and report upon:

1) freedom of the press and its role in a democracy;

2) the public's right to diversity of information, opinions and entertainment, provided by a broad array of sources;

3) the responsibility of the Canadian media industry to the Canadian public;

4) the role and place of public broadcasting in Canada;

5) how Canadians are being served by new forms of electronic media, better known as the "new media";

6) the trends in Canada towards cross media ownership, or "convergence," and the impact of such trends, if any, on editorial independence and the diversity of opinions and ideas in the marketplace of ideas;

7) the quality of journalism training and of the employment opportunities for journalists in Canada; and

8) the role of Parliament and government agencies, including the Canadian Radio-television and Telecommunications Commission (CRTC) and the Competition Bureau, in monitoring the media industry and safeguarding Canada's cultural identity and social fabric.

C) That the Committee have power to engage the services of legal, technical, clerical and other personnel, as it may deem necessary in relation thereto;

D) That the Committee have power to send for persons, papers and records; to examine witnesses; to report from time to time and to print such papers and evidence from day to day, as may be ordered by the Committee;

E) That the Committee be authorized to permit coverage by electronic media of its public proceedings, with the least possible disruption of its hearings;

F) That the Committee be composed of 6 members, to be nominated by the Committee of Selection; and

G) That the Committee present its final report no later than March 31st, 2004.

• (1350)

QUESTION PERIOD

AGRICULTURE AND AGRI-FOOD

AID TO FARMERS TO PROVIDE FOOD AID TO STARVING NATIONS

Hon. Leonard J. Gustafson: Honourable senators, my question is addressed to the Leader of the Government in the Senate. The World Food Organization announced yesterday that 800 million people in this universe of ours do not have proper food. We have just tabled a report in this house entitled, "Canadian Farmers at Risk." It would appear to me that there is probably no subject that is more important, or should be more important, to this Senate and to our government than the priority of food, whether it is to the Third World or supporting the producers of the food.

I ask the Leader of the Government in the Senate if she will use her good office to promote this notion with the Prime Minister. I realize that, for the first time, I recently heard the Prime Minister mention that he will do something for agriculture in a positive way. I am pleased about that, I must say. It is extremely important that something be done quickly because, for various reasons — subsidies, drought, flood, you name it — our farmers across the Prairies are seriously hurting. .

Will the leader use her good office to deal with these very important issues, namely, starvation around the world and the ability to produce food that is so necessary for Canada and the rest of the world?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for putting such an important question before the house this afternoon. I will use whatever influence I can to ensure that our agricultural policy and our aid policy go hand in hand.

Senator Gustafson: I thank the Leader of the Government for that commitment. We will surely be watching what the government is doing in this regard.

The Standing Senate Committee on Agriculture and Forestry spoke to representatives of both the U.S. and Europe. It appears that the Americans and the Europeans have decided that they have some major responsibility to people who do not have the ability to buy food. We, in Canada, are probably within the top 10 per cent of fortunate people who can produce food and also can afford to buy it. It seems that the Americans have decided that they must support their farmers and allow cheap food to go to the Third World.

We, in Canada, have a cheap food policy. Canadians eat for 9 per cent of their income. It costs about 30 per cent of their income to drive an automobile. I am in favour of a cheap food policy for people who cannot afford food. The problem is that farmers cannot support them alone. It must become a responsibility of all our society.

Would the Leader of the Government in the Senate agree that this is the direction in which Canada must go? We must take seriously our responsibilities to other, less fortunate nations in the world. What I am telling the Senate, and the Leader of the Government in the Senate, is that our farmers cannot carry that load alone.

Senator Carstairs: The honourable senator referred to the work of the Americans and the Europeans. I think he undervalues the work that has already been done in this field by Canadians. The Government of Canada, through the Prime Minister, has already made a significant announcement with respect to the Africa fund. People in Africa are the most undernourished of any people in the world. The Prime Minister has already indicated that we must increase our foreign aid money. The government is moving in the right direction, but I will encourage them to keep going. I will bring the words of the Honourable Senator Gustafson to my colleagues.

PUBLIC WORKS AND GOVERNMENT SERVICES

REPLACEMENT OF SEA KING HELICOPTERS— SPLITTING OF PROCUREMENT CONTRACT

Hon. J. Michael Forrestall: Honourable senators, I have two questions for the Leader of the Government in the Senate. They relate to questions that have been asked for some months now, about advice that was given to the Minister of Public Works of the day over the intention to split the helicopter replacement program into two contracts, the basic helicopter provider and the systems provider.

The deputy minister of the day, in a memorandum to the minister, which I have in my hand, says, in part:

...we are to proceed with the procurement process as set out in the original LOI.

— or letter of intent, and that was to happen without modification. That embraced the two systems, two contracts. He continues, in brackets:

(This *inter alia* sets aside industry recommendations for one contract, changes on certification and our own recommendation that we switch integration responsibility from the mission systems provider to the basic helicopter provider as a means of reducing integration and certification risk).

I want to ask the minister about that. It was the government's intention to split the contract, despite the caution from their own professionals in the department — and from the military, presumably — that the contract should not be split because it would result in cost overruns and other certification difficulties that would delay final certification and, thus, acquisition for use by the appropriate branch of the Canadian Armed Forces. In this memorandum, the deputy minister sets that out. He says, "We will proceed," and he asks the minister to sign the usual form: either "I agree," and the minister's name, or "I disagree," and the minister's name. The minister signed neither, needless to say.

Can the government leader tell us whether or not the Canadian public were made aware of the potential risk involved in splitting this contract? Second, to what degree has that decision been a

factor in what is now an interminable — and that is the most charitable word I can use — delay in awarding this contract?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, let me deal first with the latter part of the question. I do not think it has been a factor in delaying the awarding of the contract in any way, shape or form. There is no question that the government made the decision that splitting the contract would provide for increased competition for the mission systems and provide Canadian-based companies with the opportunity to pursue the initiative in that they could, perhaps, be the prime mission system integrator.

Senator Forrestall: I am tempted to ask, although I would not expect a reply, why the minister of the day did not sign the memorandum to give assent. That leaves people wondering, and is somewhat dangerous. I suppose; nevertheless, this appears as a further risk that the government was prepared to take. It leaves one with the assumption that the department did not want to go ahead with that two-contract process without the minister's signature, without his direction and the feeling, as I have indicated, that it was encouraging certification risk.

• (1400)

REPLACEMENT OF SEA KING HELICOPTERS— SPLITTING OF PROCUREMENT CONTRACT REVIEW BY AUDITOR GENERAL

Hon. J. Michael Forrestall: Would the Leader of the Government in the Senate know if the Auditor General is looking into whether the unnecessary costs might have been incurred by splitting the contract, thereby incurring the extra risk and the element of delay. We already know that the costs are now \$100 million for the first 10 months. We are almost at the end of another full year, which could, presumably, add \$110 million or \$115 million, bringing the total to \$200 million caused by delays so far. That is exactly what the deputy minister of the day advised and encouraged the government to avoid.

Hon. Sharon Carstairs (Leader of the Government): As the honourable senator knows, the Auditor General is free to investigate anything she wishes. She often does not give specific information to the government as to those investigations, in keeping with accepted auditing principles. Therefore, I cannot tell the honourable senator whether the Auditor General is looking into this matter.

Senator Forrestall: You do not know.

RADIO-CANADA

LOSS OF RIGHTS TO *LA SOIRÉE DU HOCKEY*

Hon. Gerald J. Comeau: Honourable senators, many of us were stunned to learn recently that Radio-Canada, the publicly funded broadcaster, whose main goal, among others, is to unite all Canadians, will no longer be broadcasting *La Soirée du hockey*, while CBC, the sister station, will continue to broadcast *Hockey Night in Canada*. Something is dreadfully wrong with this picture.

Will the Leader of the Government in the Senate, as this chamber's representative in cabinet, lend all her support, effort and good office to reverse this intolerable situation?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as I am sure the honourable senator knows, that question was put to me before by the Honourable Senator Rivest. At that point, I gave my commitment, and I have carried through with it, to indicate my grave concern about this matter to the Minister of Canadian Heritage. She, in turn, has indicated her grave concern with respect to this decision.

Senator Comeau: Honourable senators, something is dreadfully wrong here. If we let this go on much longer, it will send an extremely negative signal to minority francophone communities.

[Translation]

This is a very negative message to minority French language communities across Canada. Time is of the essence. We must move forward with this issue and not put it off for too long. As you know, there are problems in Canada's minority communities. The message of the federal government must be very clear and unequivocal. We say no.

[English]

Senator Carstairs: Honourable senators, the honourable senator raises an important issue, not only to members on this side, but to members opposite.

We have had many discussions recently about the relationship between Crown corporations and government ministers. The CBC is an arm's length body. Certainly, the Heritage Minister can make her views clear, and she has done that; however, we cannot expect her to violate the arrangements that are presently in place between ministers and their Crowns.

[Translation]

Senator Comeau: This is totally unacceptable. The CBC, the English network, receives funds from Parliament. If the CBC provides services to Canada's Anglophones, Radio-Canada must provide similar services to Canada's Francophones, otherwise the CBC should no longer get any funding.

Hon. Jean-Claude Rivest: Honourable senators, in view of what Senator Comeau just said, I simply wish to remind the minister that it is true that the CBC is an independent organization. However, in addition to the funds to which Senator Comeau referred, the CBC must also comply with the Official Languages Act. Part VII of the Official Languages Act refers to the promotion of cultural communities. Canada's objective regarding linguistic duality does not involve only individual language rights. In fact, the Canadian Broadcasting Corporation, which is subjected to the whole Official Languages Act, has a responsibility toward Francophones outside Quebec, regarding a very important cultural activity, in the broad sense of the word, namely hockey.

[English]

Senator Carstairs: Honourable senators, the honourable senator has raised the Official Languages Act. He can be assured that it has also been raised with Radio-Canada.

The problem is a difficult one. The corporation made the decision. The inequality of providing television coverage in this country in only one official language is, in my view, unacceptable. I have expressed that view, and I shall continue to express it.

Hon. Joan Fraser: When the Leader of the Government does whatever it is she intends to do with these questions and inquiries respecting Radio-Canada and the CBC, would she include the thought that some Canadians would be thrilled if hockey were taken off the main channel of both the CBC and Radio-Canada.

Some Hon. Senators: No, no!

The Hon. the Speaker *pro tempore*: Order, please.

Senator Carstairs: Honourable senators, I must say that I have heard that view before; it is not a new one. However, I should think that if Canadians were polled from coast to coast to coast, many would agree that NHL hockey should be broadcast in both official languages.

Hon. Lowell Murray: Honourable senators, if we are into ventilating our program preferences, let me say that I do not disagree with Senator Fraser on that point.

However, the question is whether Réseau des sports, RDS, should not be available to francophone audiences outside Quebec as a condition of licence set by the CRTC. If this matter were before the CRTC for consideration, I am sure it would be receptive to representations from the government to that effect.

Senator Carstairs: Honourable senators, that is an excellent suggestion. Unfortunately, as the honourable senator probably knows, RDS is available only on cable, and not all Canadians, be they French or English-speaking, have access to cable. That seems to be the major difficulty here.

For those individuals who live in areas of the country where cable is not accessible — and I happen to live in one of those parts of the country — then the matter of whether programming is broadcast beyond the province of Quebec is moot.

There is a very broad issue here as to whether, in fact, Radio-Canada, because it can reach the broadest possible audience, is the broadcaster that should be carrying hockey. However, bear in mind that Crown corporations sometimes make decisions with which the government does not agree but with which it has limited influence.

As to the CRTC, certainly, an application could be made for an appeal on this matter. I would caution honourable senators, however, that in the entire time the CRTC has been in existence, only three appeals have been granted by cabinet. Policy violations must be involved for an appeal to be granted.

Senator Comeau: Official languages should be counted.

Hon. Shirley Maheu: Honourable senators, would the Leader of the Government in the Senate agree to ask her cabinet colleagues whether Radio-Canada, or SRC, is subject to section 16 of the Charter of Rights and Freedoms, the basic law of the land?

Could the leader inquire into that issue and report back to the Senate as to why a Crown corporation does not have to obey the law of the land?

• (1410)

Senator Carstairs: Honourable senators, I can answer that question; however, I certainly can take further representations on behalf of the honourable senator. The answer is that Crown corporations must obey the law of the land. They are subject to section 16; and in this case, they are also subject to the Official Languages Act.

Hon. Marcel Prud'homme: Honourable senators, as evidenced by the questioners on this matter, I am sure it is obvious to the government leader, as it is to all of us, that this is not a partisan issue. It is very basic.

[Translation]

The CBC has a mandate. We must go back to the thinking which led us to create it in the first place and remember that its mandate is to show Canadians what is going on from one ocean to the other.

[English]

I would agree with the honourable senator's comments about arm's length. I have lost my illusion about being at arm's length on many issues. We must respect that, but under extraordinary circumstances. I put to you, Minister, that this is an extraordinary circumstance, where cabinet can take action and the CBC would have no option but to revert back to what is in existence.

As I say, we should be able to watch hockey. I am not a hockey fan, but I know people who are, and many in this chamber are partisan in that respect. I can imagine what would happen if Senator Butts, our very beloved, sympathetic fan of the Canadiens, were to be cut off from her hockey. If hockey broadcasts were to be cut from the CBC English network and broadcast only in French, one can imagine the result. I can see the uproar in provinces further west, especially places in your own province, Minister. I am not accusing my honourable friend or pushing her or treating her badly, but she must make people understand what it would be like if the situation were the reverse. I would like to hear the reaction of honourable senators and the reaction across Canada if hockey fans could not watch Don Cherry.

Senator Carstairs: As to the honourable senator's latter question, I put the mute button on for Don Cherry. With regard to his other questions, this is clearly a non-partisan issue. This issue impacts Canadians who speak French, whether they live in Manitoba, New Brunswick, Nova Scotia or Quebec.

The minister has indicated her concern about this issue, and I think the CBC has been made aware of her concern, in particular Radio-Canada. We will have to wait to see how the matter plays out in the next few weeks.

Hon. Serge Joyal: I wish to bring to the attention of the government leader a fundamental point that has been raised by the other senators, on the constitutionality of the decision.

Last week, on June 5, the Federal Court of Canada declared that the agreement between CPAC and the transmitter, ABC, was unconstitutional because it did not respect the principle of equality of both languages. Here we have a Crown corporation,

which must clearly submit, as the government leader has mentioned, to the principle of the Official Languages Act, that treats two constituencies differently. This raises the question of the constitutionality of the argument that CBC is putting forward. CBC is saying, "I offer to broadcast, but I have signed an agreement. I am sorry, but having signed the agreement, I am bound by it." This is absolutely unconstitutional. On the basis of that principle, many Crown corporations would not respect their constitutional obligations because they have signed agreements with third parties that impose upon them a clear violation of the Constitution of Canada. Will the Leader of the Government look into that matter?

Senator Carstairs: I thank the honourable senator for his suggestion. I will certainly bring that argument forward. Since he is much more knowledgeable, more eloquent and a member of the Privy Council, I would suggest that he bring that argument directly to the Honourable Minister Sheila Copps herself. Perhaps she has not been made aware of it, but it is indeed a powerful argument. I will bring it forward, but I encourage the honourable senator to do the same. If Senator Beaudoin wishes to join in, I think he and Senator Joyal are well recognized in this chamber, along with Senator Grafstein, as being knowledgeable about our Constitution. I would think that non-partisan voices working together might have a significant impact.

OFFICIAL LANGUAGES

FEDERAL COURT DECISION DECLARING HOUSE OF COMMONS IN VIOLATION OF ACT

Hon. Jean-Robert Gauthier: Honourable senators, I have a question on official languages. It concerns a recent decision of the Federal Court of Canada. On June 5, Judge O'Keefe ruled on a New Brunswick case, *Quigley v. Canada (House of Commons)*. Senators may recall that as a result of our dealings with CPAC, they broadcast some committee meetings of the Senate and most of the Question Period of the House of Commons.

The judge said that the House of Commons was in error by not respecting section 25 of the Official Languages Act, whereby when one transfers obligation to another person, that person must know that official languages provisions apply. It is the same situation as with the Contraventions Act. CPAC is the official transmitter of our messages. It transmits committee meetings of the Senate.

My question is twofold. First, will the House of Commons, through the Department of Justice, appeal this decision? I do not know that this will happen. It has until September 5 to do so.

Second, what will the Senate do to ensure that we are not criticized, that our house is in order and that we meet the requirements of the Official Languages Act? When the contract with CPAC is settled, will one of the clauses be that CPAC must respect the Official Languages Act, to which we are tied as an institution of government?

Hon. Sharon Carstairs (Leader of the Government): As the honourable senator undoubtedly knows, I have a hard enough time speaking for the Senate of Canada, let alone the House of Commons. I will not attempt to speak for the House of Commons as to whether or not it will appeal this decision.

However, as to our actions in this chamber, the honourable senator raises a very important consideration. I will ensure that the Chair of the Standing Committee on Internal Economy, Budgets and Administration, is made aware of the June 5 decision of the Federal Court of Canada and that we ensure that we fulfil all of our obligations as a result of that decision.

[Translation]

RADIO-CANADA

LOSS OF RIGHTS TO *LA SOIRÉE DU HOCKEY*

Hon. Gérald-A. Beaudoin: Honourable senators, I would like to come back to the point raised by Senator Maheu. It is true that section 16 of the Constitution places both official languages on an equal footing, in all federal areas. I would accept your invitation, Madam Minister, to look into this with the people from other parties. We have an obligation to provide services in both official languages. The CBC is in this situation. It comes under federal jurisdiction and both networks are equal. Both networks must provide programs and respect the equality of both networks. In this sense, one can say that the obligation is a constitutional one. The CBC has signed a contract, and it must respect the Constitution.

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his advice. As soon as I get copies of the official transcripts of today's proceedings, let me assure the honourable senator that I will ensure that the Honourable Sheila Copps receives them. Again, I would encourage Senator Beaudoin to have further contact with her because of his detailed knowledge of our Constitution.

Hon. Tommy Banks: Honourable senators, I like hockey as much as anyone. I even listen to Don Cherry. He is entertaining.

My question is for the Leader of the Government in the Senate. In the course of her inquiry with respect to the questions of Radio-Canada and the Canadiens' games, would the leader please inquire as to whether the Montreal Canadiens hockey club made a demand of Radio-Canada in respect of the number of games that, if it were to enter into an agreement, it would carry, which the corporation found unable to do given its schedule?

Senator Carstairs: I understand that this was the crux of the matter, honourable senators, as to why this decision was made. The issues raised by honourable senators, the importance of the constitutional and official languages issues, should surely take precedence. Senator Nolin has indicated that he thinks this matter is all about dollars. If that is so, then I concur that the decision must be revisited in order to ensure appropriate service for all Canadians, no matter what their official language.

[Translation]

COVERAGE OF SPORTING EVENTS

Hon. Laurier L. LaPierre: Honourable senators, I agree with all those who have condemned the stupidity of the CBC, and with the fact that a large portion of the Quebec people, a people to whom I belong, will no longer be able to view this important television program.

[English]

I wish to refer again to the intervention of Senator Fraser. Could the minister return to cabinet and ask for a directive to the CRTC that only one sport per year be played on the national network? One year it could be hockey, the next it could be football or golf.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I am unable to answer for Senator Fraser, and Senator Fraser is not able to answer questions during Question Period. I am afraid the honourable senator will have to ask Senator Fraser his question directly.

There have been many questions in this country regarding the amount of sports coverage on CBC. This is not a new issue. As to whether the CBC should cover every sport, there is no doubt.

Last night on the television news, I learned that the people of Windsor, Nova Scotia, are fighting hard to be recognized as the first community in Canada where a hockey game was played. I saw Halifax also indicating that they think they were the first. Amateur historians — and I do mean "amateur" — appeared saying that they feel that it was Montreal where the first game of hockey was played.

Some Hon. Senators: Hear, hear!

Senator Carstairs: I can assure honourable senators that the only reason Western Canada has not made a claim in this regard is that we came along later than Eastern Canada did.

The Hon. the Speaker pro tempore: Honourable senators, the time for Question Period has expired.

Some Hon. Senators: Hear, hear!

Senator Lynch-Staunton: Can we have overtime?

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table a delayed answer to a question raised in the Senate on March 7, 2002, by Senator Angus, regarding the U.S. Department of State report on money laundering.

JUSTICE

UNITED STATES DEPARTMENT OF STATE REPORT ON MONEY LAUNDERING

(Response to question raised by Hon. W. David Angus on March 7, 2002)

The Government is currently finalizing regulations that will require the reporting of cross-border movements of large amounts of currency and monetary instruments.

[Senator Carstairs]

It is anticipated that the proposed regulations will be published shortly in the *Canada Gazette* for public comment and that they will be finalized and come into force in the fall.

FINTRAC is now officially a member of the Egmont Group of Financial Intelligence Units. Its membership was recently approved at the Egmont Group meeting in early June.

ORDERS OF THE DAY

LEGISLATIVE INSTRUMENTS RE-ENACTMENT BILL

MESSAGE FROM COMMONS

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons, returning Bill S-41 to re-enact legislative instruments enacted in only one official language, and acquainting the Senate that they have passed this bill without amendment.

[English]

APPROPRIATION BILL NO. 2, 2002-03

THIRD READING

Hon. Anne C. Cools moved third reading of Bill C-59, for granting to Her Majesty certain sums of money for the public service of Canada, for the financial year ending March 31, 2003.

Motion agreed to and bill read third time and passed.

EXCISE BILL, 2001

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Kroft, seconded by the Honourable Senator Moore, for the third reading of Bill C-47, respecting the taxation of spirits, wine and tobacco and the treatment of ships' stores.

Hon. Terry Stratton: Honourable senators, I should like to make a few comments with respect to this bill.

I believe raising taxes is the wrong way to go, in most cases. However, this bill is an exceptional circumstance. I believe that cigarettes should be expensive. In Manitoba, cigarettes are now \$8.40 a package, which is absolutely staggering. That means that each cigarette costs 35 cents. In the days when I was hooked on cigarettes, I could buy two cigarettes for a nickel. I believe this pricing trend should go further.

The money that is earned from these taxes totals \$240 million per year. This money should be put into the health care system, or given to the Canadian Cancer Society or the Canadian Lung

Association, or used for a communications strategy to reduce smoking. This money should not just go into government coffers. That would be ripping off the taxpayer once again, though this time the taxes would come from smokers.

With respect to the excise taxes levied on spirits, wine and tobacco, the concern that I raised at committee was that such a tax is fine for the larger wineries. However, smaller wineries do not have storage facilities for excise storage. It would be a costly burden to those smaller distilleries and estate wineries. Clearly, this matter has not been properly worked out. I was not satisfied with the answers I was given with respect to those questions.

Bill C-47 should pass. I will not stand and object to taxing something that is killing some 45,000 Canadians per year. It is to be hoped that this measure will discourage smokers. Please, when the government returns to raise taxes on cigarettes — and they will; they do it every couple of years, and every couple of years I stand up and vent my spleen with respect to the government committing another tax rip-off — put the money where it is needed.

• (1430)

I just fundamentally do not believe it. Put it back where it is needed. Put it back in the health care system.

Senator Kinsella: Subsidize wine.

Senator Stratton: Yes, subsidize wine, a glass of red wine a day.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

[Translation]

CRIMINAL CODE FIREARMS ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Fraser, seconded by the Honourable Senator Hubley, for the second reading of Bill C-15B, to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act.

Hon. Pierre Claude Nolin: Honourable senators, I wish to speak at second reading stage of Bill C-15B and provide some comments. First, I would like to deal with the Firearms Act. The debate that took place in this chamber when the Firearms Act was passed is still fresh in my mind.

There is a section of Bill C-15B that concerns me, section 52, which refers to the new section 97. It seems to me that the Governor in Council seeks to provide itself with a discretion that we should question, at the very least. Clause 97(1) reads as follows:

Subject to subsection (4), the Governor in Council may exempt any class of non-residents...

I would like the committee to hear officials from the department to explain to us why they did not ask for the right to identify non-residents by name? And why did they choose to exempt the class, rather than individuals? It seems to be a rather exceptional exemption. Why not name them?

As for the rest of this part of Bill C-15B on the Firearms Act, it is improvements and updates to a bill that has already cost us ten times what it should have. I have no intention of reopening that debate. I am sure that some of my colleagues will be more than happy to do so.

However, what I take issue with is the first part of the bill, regarding cruelty to animals. Sections 444, 445, 446 and 447 of the Criminal Code deal with the issue. Now we are being asked to eliminate these four sections and create a series of new ones.

We are all opposed to cruelty to animals. But, honourable senators, read carefully the legislation that we are being asked to pass. As regards all the legislation governing criminal law that we pass, a Crown prosecutor has to prove that the offences were actually committed. This part of the bill, as it now stands, will make it very difficult for a Crown prosecutor to build an adequate case.

Let me give you some examples. The definition of "animal" reads:

...means a vertebrate...

How was it determined that all vertebrates could feel pain? I presume that it is because vertebrates have a vertebral column. If they have a vertebral column, they have a nervous system, and if they have a nervous system, they have nerves, and if they have nerves, it must hurt. We, human beings, are excluded from that definition. I continue with the definition of "animal":

...and any other animal that has the capacity to feel pain.

Let us be serious. Is a lobster included in this definition? A lobster is not a vertebrate. Can we hurt a lobster? Perhaps. When we cook it? No. I imagine that it depends on how we kill it, is that not so, Senator Robichaud? It is a good thing Senator Robichaud is here, because I am sure that he loves lobsters and knows how to kill them properly. I myself learned it recently.

Hon. Marcel Prud'homme: You must put it in hot water.

Senator Nolin: No, not in hot water. On the contrary, if you want to grill it, you must first cut it in half. But did you know that to cut it in half, you must do it from the eyes and not the tail? But who knows about this? Senator Robichaud knows. Senator Milne says we should put it in boiling water. But if we do not put it in head first, the lobster will suffer.

Now that we had some fun with our friends the experts on shellfish, let me read clause 182.2(1) of the bill before us:

Every one commits an offence who, wilfully or recklessly,

(a) causes or, being the owner,...

I presume that I am the owner of the lobster I am cooking, having just bought it.

...permits to be caused unnecessary pain, suffering or injury to an animal;

If you have a problem with the tem "unnecessarily," perhaps the need to eat would be a defence. I would warn you that this is punishable by five years in prison and a \$10,000 fine.

Now, clause 182.3(1):

Everyone commits an offence who:

(a) negligently...

I will read the definition of "negligence" shortly. In the meantime, I will say that I have nothing against prohibiting cruelty to animals. I just want to see criminal law made proper use of. I do not want to see laws passed just for the fun of it; I want to see effective legislation. If certain sections of the Criminal Code need improving, that will be done.

I will now continuing the quote from clause 182.3(1):

...negligently causes pain, suffering or injury to an animal;

Why put in nearly the same thing twice? In the first case, there is a five year maximum sentence, and in the other two years maximum. Why have two offences? You will tell me "negligence" comes into it. Clause 182.3(1) provides a definition of "negligence."

...negligently means departing markedly from the standard of care that a reasonable person would use.

This definition of "negligently" and clause 182.2(1) I read earlier:

...wilfully or recklessly...

It seems to me that "wilfully or recklessly" is the definition I have just given for "negligently." It is pretty much the same thing. This is just one example. We will have to consider the bill carefully in committee. I have a problem with the proposed amendments.

We are not here to create offences just so Parliament can feel good and people will think that Parliament will suppress cruelty to animals once and for all.

We are here to assess whether or not jurisprudence corresponds to the Criminal Code and to ensure that cruelty to animals is suppressed. The bill deals with what police and peace officers will be called upon to do.

I just presented the lobster argument. Imagine how happy defence counsels, those who must see to it that their clients are not found guilty, will be pulling out the lobster argument. The judge will listen to it. He will not be able imagine how Parliament authorized this. What was Parliament's real intention?

• (1440)

I cannot support this bill. I am aware that we will consider it in committee. I am eager to hear what the officials from the Department of Justice will have to say.

The Hon. the Speaker *pro tempore*: It was moved by Senator Fraser, seconded by Senator Hubley, that this bill be now read the second time. Is it your pleasure, honourable senators, to adopt this motion?

Hon. Senators: Agreed.

Hon. Senators: No.

Motion agreed to and bill read second time, on division.

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

On motion of Senator Fraser, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 57(1)(f), I ask that second reading of Bill C-5 be moved up one day to this day.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt this motion?

Hon. Senators: Agreed.

[English]

SPECIES AT RISK BILL

SECOND READING—DEBATE SUSPENDED

Hon. Tommy Banks moved the second reading of Bill C-5, respecting the protection of wildlife species at risk in Canada.

He said: Honourable senators, it is my pleasure to speak at second reading of Bill C-5, which is probably, with the possible exception of the anti-terrorism bill and perhaps the clarity bill, the most familiar to all Canadians of any bill that has come before us, certainly since I have been in this chamber. The bill even has a nickname: "Sara." Forgive that familiarity, but this is an "old lady," as legislation goes, and I hope that honourable senators will give her the deference that is her due.

Honourable senators, the story about how Bill C-5 came to its present state is a good one. It is a testament to the workings of our democratic process and to our Constitution. This proposed legislation has shown, if any bill ever has, our process at work. It speaks to a universal and fundamental concern of all Canadians — that of our natural legacy. Bill C-5 is one of the tools that we need to protect Canada's 70,000 known species, many of which are found only in this country.

This bill is also one of the tools that we need to ensure that our rich ecosystems continue to be productive and continue to draw hundreds of thousands of visitors to our shores each year to marvel at our trees, our ecology, our wildlife, our abundance of water, and our vast and varied landscapes and waterscapes.

Honourable senators, Bill C-5 is not the only tool in our arsenal to protect nature, but it is an important addition. If nature were to take its normal course, one species of life would disappear about every 1,000 years. Sadly, species are disappearing much more quickly than that in Canada and all over the world. There are 402 species classified by the Committee on the Status of Endangered Wildlife in Canada as being at risk. There are likely more that have not yet been identified. Scientists have found that problems with habitat are one of the main causes of that risk. Habitat is where animals live, feed and raise their young, and if there is no habitat, there is no wildlife.

Species know no borders. They do not make a distinction between the borders of towns, cities, provinces and countries. They go wherever their natural instinct takes them. They take root where the habitat is friendly to them. That is why protecting species and their habitat cannot be dictated by any one jurisdiction. Solutions to the problem cannot be dictated, designed or proposed by any one government.

Debate suspended.

BUSINESS OF THE SENATE

The Hon. the Speaker *pro tempore*: Honourable senators, it being 2:45 p.m., pursuant to the order adopted by the Senate on Wednesday, June 12, 2002, it is my duty to interrupt the proceedings for the purpose of putting the deferred vote on the motion in amendment of the Honourable Senator Spivak.

Pursuant to agreement, the bell to call in the senators will be sounded for 15 minutes.

Call in the senators.

NUCLEAR FUEL WASTE BILL

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Jaffer, for the third reading of Bill C-27, respecting the long-term management of nuclear fuel waste,

And on the motion in amendment of the Honourable Senator Spivak, seconded by the Honourable Senator Cochrane, that the Bill be not now read a third time but that it be amended

(a) in clause 2, on page 2, by replacing line 9 with the following:

““nuclear fuel waste” means domestic irradiated fuel”; and

(b) in clause 15, on page 8, by replacing line 41 with the following:

“recommendation of the Minister, may select.”

• (1500)

Motion in amendment negated on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	Kinsella
Atkins	Lynch-Staunton
Beaudoin	Nolin
Bolduc	Oliver
Buchanan	Prud'homme
Comeau	Rivest
Di Nino	Robertson
Doody	Rossiter
Forrestall	Stratton—19
Keon	

NAYS
THE HONOURABLE SENATORS

Adams	Joyal
Austin	Kenny
Baker	Kolber
Banks	Kroft
Callbeck	LaPierre
Carstairs	Léger
Christensen	Losier-Cool
Cook	Maheu
Cools	Mahovich
Corbin	Milne
Cordy	Moore
Day	Pearson
De Bané	Pépin
Fairbairn	Phalen
Ferretti Barth	Poulin
Fitzpatrick	Poy
Fraser	Robichaud
Furey	Rompkey
Gauthier	Sparrow
Gill	Stollery
Grafstein	Tunney
Graham	Watt—44

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: Honourable senators, we now return to the main motion.

It was moved by the Honourable Senator Gauthier, seconded by the Honourable Senator Jaffer, that this bill be read the third time.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

An Hon. Senator: On division.

The Hon. the Speaker: On division.

Motion agreed to and bill read third time and passed, on division.

SPECIES AT RISK BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Maheu, for the second reading of Bill C-5, respecting the protection of wildlife species at risk in Canada.

Hon. Tommy Banks: Honourable senators, before I resume, I wish to pay a personal compliment to Senator LaPierre, who today has brought a vision of sartorial splendour to the chamber.

Some Hon. Senators: Hear, hear!

Senator Banks: Senator LaPierre is always colourful figuratively; today he is colourful literally, and it is very welcome in the spring to remind us of this wonderful season.

As I was saying, honourable senators, with respect to Bill C-5 and the protection of our endangered species, we have many tools at our disposal. We must remember that Canada's very Constitution is based on the concept of partnership, which is why the bill that is now before us is just one of the tools in our quiver. I should like to tell you a bit about the other tools.

There is an overall strategy for the protection of species at risk in Canada, that recognizes the shared responsibility of all orders of government. There is the Accord for the Protection of Species at Risk, an agreement of the provinces and territories that has already produced a number of successes. Stewardship, as the cooperative approach to protecting habitat, is another tool. It has also produced a number of successes.

The proposed bill before us, Bill C-5, is the third tool. It is designed to complement the work done by the other levels of government and to build on a partnership approach under that accord, and that accord is working. Since its endorsement, most provinces and territories have introduced or amended their legislation to meet commitments under that accord, and that is not all.

Canada is meeting commitments to protect species through international and domestic agreements. We have many successes in stewardship actions. The Habitat Stewardship Program is entering its third year, and there are literally hundreds of projects, large and small, on the ground and working as we speak.

Outside of the stewardship program, there are hundreds more programs and projects going on right now in backyards and municipalities, on private land and on public land. Canadians are involved. They are willing and able, and they are doing it every day. The third tool is the bill, which is now before us.

Honourable senators, we have heard a lot of controversy over this legislation. There are those who say that Canada does not need this legislation and who claim that the proposed bill is too strong. There are those who say that it is not strong enough. They cannot all be right and they cannot all be satisfied, yet that is exactly why this proposed legislation is a success because it takes a reasoned approach.

• (15:10)

It emphasizes cooperation and partnership, backed by strong prohibitions. It endeavours to address, though not always to satisfy, all the arguments. It effects compromise where needed and supports the Canadian constitutional structure. It emphasises strong working relationships with provinces and territories. It builds on a history of shared wildlife management. It is cooperative. It is not coercive, unless coercion becomes absolutely necessary. That, honourable senators, is what makes a good bill.

A good negotiation is one in which everybody at the table leaves with a little bit less than they came for, and leaves having given up a little more than they wanted to, but with something with which they can live. There are key elements contained in this legislation about which I wish to remind honourable senators.

Independent science is entrenched in this law through the legal establishment of the Committee on the Status of Endangered Wildlife in Canada, colloquially known as COSEWIC. For 25 years, that organization has provided scientific assessment of species. Now it is legally recognized as an arm's length assessment body. It is those scientists who will determine recommendations as to what species are at risk in Canada. The legislation provides that the government will make the legal list based on that assessment.

Why should the government make that determination? It is because we, under the democratic process, have the ultimate responsibility for making decisions that could involve serious economic or social implications.

Honourable senators, COSEWIC has come up with a list, as of the end of last year, which contains 233 species it deems to be at risk. This bill contains a list, which is exactly those 233 species to be on the initial list, to which the statutory obligations will apply immediately we obtain proclamation of this act. That is a very significant indication of the government's commitment on species at risk.

Another important element of the proposal before us is the cooperative approach. This is an approach that we know will work because it is already working. We know that cooperation and stewardship as a first response for protecting critical habitat works best. We know that because it is already working, and has been during the long debate on this legislation. We know that it will work best because we have studied other systems, other legislation. In the U.S., for example, the courts are choked with cases while species, which are their subject, languish.

Steps have been taken to ensure, in this bill, that the federal house is in order, with strong protection measures contained in this bill for critical habitat on lands which fall within federal jurisdiction. While we emphasize the cooperative approach, we ensure in this bill that there is strength to back it up. There are automatic prohibitions against the destruction of critical habitat

in national parks, marine conservation areas, migratory bird sanctuaries and national wildlife areas.

Other critical habitat on federal lands, and for aquatic species as well, is automatically protected, if it is not already protected through stewardship initiatives or other federal legislation, within 180 days after it is identified in a recovery strategy or an action plan. The bottom line, honourable senators, is that there is certainty that all critical habitat on lands under federal jurisdiction is protected.

Bill C-5 extends the federal government's authority for protection to all species' critical habitat on provincial and private lands, if the cooperative approach, or other governments, fail to protect those species' habitat. The safety net provisions will ensure that if other governments fail to provide basic protection against killing and harming a named and listed species or its habitat, federal prohibitions can be brought to bear. The safety net was deliberately designed to provide the first opportunity for protection of species' critical habitat under provincial and territorial jurisdiction to the responsible provincial or territorial government. The prohibitions are strong, but they rely on an approach to try cooperation first before relying on legal prohibitions to try to change people's behaviour.

Building on strong science and the cooperative approach, I wish to tell you about two more crucial elements of this proposed act. The first is the provision it makes for the establishment of a national Aboriginal council on species at risk. Honourable senators, Aboriginal peoples have been essential in the formation of this bill. They have provided invaluable advice, and many years of discussion and experience, which most of the rest of us simply do not have. This Aboriginal council is consistent with the government's goal of stronger relationships with Aboriginal peoples. It is also consistent with our international obligations in that regard.

The other element I wish to address, which has been of great interest to Canadians, is the question of compensation; a complex issue. There has been an enormous amount of work done in this area and in developing what is contained in this bill, which is a viable policy. The government has always said that there will be compensation provisions. However, it is merely prudent that it requires some type of practical experience in implementing the legislation and in dealing with questions of compensation as they arise. Establishing a definitive approach without that needed experience may well end up excluding some legitimate claims. For now, the determination of compensation will be made on a case-by-case basis. When the government has more experience, then more definitive approaches can be described and added to the legislation.

In the meantime, general compensation regulations obviously apply, and will be made ready soon after the proclamation of the act, to enable any person to make a claim if it is needed.

The government is committed to thorough consultation with every person who can help us gain that experience and has a stake in a fair and effective system.

Honourable senators, the fundamental principles of consultation, cooperation, transparency and accountability are in every aspect of this bill. They are in the assessment process, the discovery process and the public registry, where any Canadian at

any time can track the processes which are underway. In fact, there are measures in the proposed Species at Risk Act that will make it the most transparent of any piece of environmental legislation.

This proposal did not arrive here, as most of us know, after just a few months of work, or even a few years. This bill has been nearly nine years in the making. Those nine years did not see a continuing series of one-off proposals. They were a cumulative process that built policy one step at a time, one block at a time, exactly the way our country has been built. There have been more than 150 consultation sessions. There were many sessions in the House of Commons and in the standing committee meetings. 200 hours of formal consideration prior to reaching this place; and we will properly devote many more hours to examining these questions. Every reasonable effort has been made to accommodate diverse views: those who say it is too strong, those who say it is too weak and those who say it should not be there.

The result, I believe, is the proposal that is here before us now that is the best legislation that the government could possibly design. Now, we need to add the experience of actually putting the bill, and the act which it will become, to work. It is time to move forward after nine years, use this tool with the others that are in our arsenal and get on with the job. I strongly urge the support of this bill by all honourable senators.

Some Hon. Senators: Hear, hear!

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, in rising to speak at second reading debate on Bill C-5, I am reflecting upon a series of metaphors. As I listened to the honourable senator who has just spoken in support of the bill, the metaphor that was running through my mind is from the world of music, a field in which the honourable senator is one of Canada's legends.

• (1520)

Honourable senators, the great performances of Oscar Peterson at the piano and the wonderful jazz of Duke Ellington would have been forgone had they taken as long in their preparation as the government has taken in the preparation of this bill. An honourable senator has just advised that it is over nine years.

I believe that there is universal support for the principle that we ought to have modern and contemporary legislation that deals with the serious issue of wildlife species that are at risk, not only at home but around the globe. This bill aims at preventing wild species in our country from becoming extinct or lost from the wild. It also, in a positive vein, a proactive one, aims to secure their recovery.

I remind honourable senators that, in 1992, the Progressive Conservative government, the Government of Canada of the day, signed and then became the first industrialized country to ratify the United Nations Convention on Biological Diversity. That convention included a commitment for legislation and a regulatory framework for the protection of threatened and endangered species.

In 1996, the previous Liberal government introduced legislation to fulfil Canada's commitments made four years earlier. Thus, we saw the introduction of Bill C-65, entitled the endangered species protections act. That attempt by the government was roundly

criticized by scientists, environmentalists and landowners. As honourable senators know — again drawing from the inspiration of the world of music and their patron saint, Saint Cecilia — it died on the Order Paper at the House committee stage, with no requiem.

In April 2000, four years subsequent to that, the government introduced Bill C-33, which was but a modification and a renaming of Bill C-65. This second legislative attempt to fulfil Canada's commitments with respect to endangered species was also roundly criticized. Bill C-33 also died on the Order Paper at second reading in the other place.

Here we are with Bill C-5, representing the third legislative attempt to fulfil Canada's commitments on endangered species that the Conservative government of 1992 had committed the country to. The fact that it has taken 10 years since Canada signed and ratified the UN Convention on Biological Diversity to get to where we are today speaks to the less-than-ambitious legislative agenda and intentions of this government and its predecessor governments since 1993. It is the government that must bear the burden for this failure to pass endangered species legislation in a timely fashion.

In terms of our role, honourable senators, it is the responsibility of this house to review and scrutinize this legislation as thoroughly as possible. In other words, we cannot be pressured to do a second-rate job on scrutinizing this piece of legislation simply because the government is under a tight legislative agenda and it is the bill's third time at the plate. If there is a way to strengthen and improve this bill, we should.

Here we are at second reading, honourable senators, and it is with enthusiasm that we can support the principle of the bill to the extent that it is building upon the commitment contained in the UN Convention on Biological Diversity. However, we will need to delve into the details of the bill to ensure that it meets that commitment.

According to the government, Bill C-5 is intended to complement existing federal, provincial and territorial legislation related to endangered species. The government says it will also fulfil the federal commitment under the federal-provincial accord for the protection of species at risk that was signed in 1996. The honourable senator who has proposed the bill in this place has addressed the consultative process that has been ongoing for the last number of years relating thereto.

In terms of general substance, there are a number of additional aspects of Bill C-5 that are important. For instance, Bill C-5 prohibits the killing, harming, harassing, capturing or taking of species officially listed as threatened, endangered or extirpated. The bill provides a definition of "extirpated," which means a species that is extinct in our country but not all around the world. We are left with the opportunity, from a proactive point of view, of trying to reintroduce a species into Canada's wildlife.

Bill C-5 also provides for emergency authority to list species and take action to prohibit the destruction of critical habitat for a listed species if it is in imminent danger. In general, I believe that these are important goals.

Another point I found interesting on the issue of the content of the bill is the provisions for recovery strategies and action plans to identify the critical habitat of a threatened or endangered species needing protection.

Last summer, with a group of students, I recall visiting some of the Fundy isles. A number of habitats of the bald eagle and other coastal birdlife are being threatened. The bill provides for a process that, once identified, critical habitat will be protected by conservation agreements, provincial or territorial legislation, or federal prohibitions.

Part of the machinery that is envisaged and to be provided for by this bill is the establishment of the Committee on the Status of Endangered Wildlife in Canada, which is to have legal status under this act. The committee will continue to operate at arm's length from the government. It will assess and classify the status of wildlife species, and these assessments will be published and will form the basis for the minister's recommendations to the —

• (1530)

The Hon. The Speaker: Can you hear the Chair? Senator Kinsella, let us try again.

Senator Kinsella: Honourable senators, under the Species At Risk Act, there will be mandatory recovery strategies and action plans for endangered —

Hon. John Lynch-Staunton (Leader of the Opposition): There is no translation. The sound is working but the translation is not coming through.

The Hon. the Speaker: Honourable senators, we will have to request technical assistance. May I have your permission to suspend for five minutes to have the benefit of that technical assistance?

Hon. Senators: Agreed.

The sitting of the Senate was suspended.

• (1550)

The sitting of the Senate was resumed.

Senator Kinsella: Honourable senators, in conclusion, I should like to shed light on four points:

First, as much as possible, scientists and not politicians should be engaged in the listing of endangered species; in other words, those who are working in the field, such as scientists, but also inclusive of the community, including our First Nations peoples, who have a special relationship to the land and the wildlife of the nation.

The second principle is the view that any endangered species act will provide for the mandatory protection of critical habitat on federal lands.

The third principle is that, under the purview of the federal government, the protection of migratory birds, which are cross-boundary species, should be given focus.

Finally, it is my hope that, through our deliberations in committee, we will ensure that the bill contains clarity on the

compensatory regime for individuals and organizations and, in particular, for the First Nations peoples, for whom it is important that care be taken that there not be an unfair or unreasonable impact on their Aboriginal rights and their way of life.

Honourable senators, we look forward to the careful analysis of this bill in committee. In principle, this bill goes in the right direction.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Banks, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

[Translation]

ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

June 13, 2002

Mr. Speaker,

I have the honour to inform you that the Right Honourable Adrienne Clarkson, Governor General of Canada, will proceed to the Senate Chamber today, the 13th day of June, 2002, at 4:30 p.m., for the purpose of giving Royal Assent to certain bills of law.

Yours sincerely,

Barbara Uteck
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

[English]

CONGRATULATORY ADDRESS TO HER MAJESTY QUEEN ELIZABETH II ON ANNIVERSARY OF FIFTY YEARS OF REIGN

MESSAGE FROM COMMONS CONCURRED IN

The Hon. the Speaker: Honourable senators, a message has been received from the House of Commons, as follows:

Thursday, June 13, 2002

[Translation]

RESOLVED.—

That an humble Address be presented to Her Majesty the Queen in the following words:

TO THE QUEEN'S MOST EXCELLENT MAJESTY

We, the House of Commons of Canada in Parliament assembled, beg to offer our sincere congratulations on the happy completion of the fiftieth year of Your reign.

We wish Your Majesty health and happiness and wish that Your reign continue in peace and prosperity for many years to come.

ORDERED.—

That the said Address be engrossed; and

That a message be sent to the Senate informing Their Honours that this House has adopted the said Address and requesting Their Honours to unite with this House in the said Address by filling up the blanks with the words, "the Senate and."

ATTEST

William Corbett
The Clerk of the House of Commons

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, before I move my motion, which I hope I can call upon the Honourable Leader of the Opposition to second, I wish honourable senators to understand that the motion will read, "the Senate and..."

Thus, honourable senators, the new motion will read as follows:

We, the Senate and the House of Commons of Canada in Parliament assembled, beg to offer our sincere congratulations on the happy completion of the fiftieth year of Your reign.

We wish your Majesty health and happiness and wish that Your reign continue in peace and prosperity for many years to come.

That the said address be engrossed; and

That a Message be sent to the House of Commons indicating that the Senate has concurred with their motion.

• (1600)

In order to do that, honourable senators, I move, seconded by the Honourable Senator Lynch-Staunton:

That the Senate do agree with the House of Commons in the said Address by filling up the blank spaces left therein with the words "the Senate and."

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Marcel Prud'homme: Honourable senators, as an independent senator, I support this motion. Believe it or not, I am a French-Canadian monarchist and I am not ashamed to say it.

For Her Majesty, it is not a problem to decide for Canadians. It is up to Canadians to decide their constitutional future. In the meantime, I say "Long live the Queen," because that is what we say in Canada.

But honourable senators will recall a pointless and unseemly debate which took place in the House of Commons over similar things. They will also recall that I wondered whether the French version was indeed the same as the English version. It was realized that there were major differences, depending on the language used to address a message to Her Majesty.

I hope that, in future, the Leader of the Government will always consult the government in advance in order to prevent unseemly conduct.

[English]

Honourable senators will remember the words "I beg humbly" and the debate that took place. These words opened up a long discussion in the House of Commons. I thought that this was ungracious and unnecessary. With a little bit of consultation, that debate could have been eliminated. We could have said that Canada has a Constitution and that our Gracious Queen is the Queen of Canada until Canadians decide otherwise. That is what I always said. I know it is surprising to some senators, but do not be surprised. I became a member of the Privy Council by Her Majesty's own hand and not by that of the Governor General, so I have more attachment to the Queen. I pledged allegiance 17 times in my life, which I think is enough. I say "long live the Queen" so we will not have to decide if we should continue with her succession.

I am happy as an independent senator to join in supporting this motion, but in the future there should be some consultation between the two Houses so that we are not surprised. I hope in the future when an important item such as this takes place in our constitutional life in Canada that there will be more consultation so that we can join with each other and do exactly what we are doing today.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

OFFICIAL LANGUAGES

MOTION TO DEPOSIT REPORT OF JOINT COMMITTEE
WITH CLERK OF THE SENATE ADOPTED

Leave having been given to revert to Notices of Motions:

Hon. Shirley Maheu, with leave of the Senate and notwithstanding rule 58(1)(f), moved:

That the Standing Joint Committee on Official Languages be permitted, notwithstanding usual practices, to deposit its report on the justice system and official language communities with the Clerk of the Senate, even if the Senate is not sitting, and that the report be deemed to have been tabled in the chamber.

Motion agreed to.

ESTIMATES, 2002-03

THIRD INTERIM REPORT OF NATIONAL FINANCE COMMITTEE—MOTION IN AMENDMENT— DEBATE ADJOURNED

On the Order:

Resuming debate on the motion of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Robertson, for the adoption of the seventeenth report of the Standing Senate Committee on National Finance (Estimates 2002-03 (Treasury Board Vote 5)—Third Interim Report), presented in the Senate on June 6, 2002.

Hon. Anne C. Cools: Honourable senators, this is a motion for the adoption of the seventeenth report of the Standing Senate Committee on National Finance. It relates to a study of Treasury Board Vote 5. It is my intention to move an amendment to this motion, so perhaps I should do that forthwith.

MOTION IN AMENDMENT

Hon. Anne C. Cools: Honourable senators, I move, seconded by the Honourable Senator Watt:

That the seventeenth report of the Standing Senate Committee on National Finance (Estimates 2002-03 (Treasury Board Vote 5) — third interim report) be not adopted by the Senate but that it be referred back to the Standing Senate Committee on National Finance for further study.

Honourable senators, essentially, I am asking to refer the report back to the committee for further study.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Senator Cools: Honourable senators, our Standing Senate Committee on National Finance has done some very important work on this issue. I want to assure honourable senators that this report represents excellent work and I think substantive work. It is my opinion, however, that we could improve upon this report. It should be strengthened by gathering a broader range of evidence. Frankly, the committee should hear a few more witnesses. I think that the report would be greatly enhanced by a wider and even deeper study of the subject matter. In actual fact, the committee only heard from two categories of witnesses, being the Auditor General and the Treasury Board. In my opinion, the study of the committee should be broadened.

Honourable senators, I am mindful that we are expecting the Governor General momentarily for Royal Assent, so I wish to take the adjournment of this debate and continue my remarks in a more fulsome and wholesome way at a later date.

On motion of Senator Cools, debate adjourned.

• (1610)

[Translation]

FOOD AND DRUGS ACT

BILL TO AMEND—THIRD READING DEBATE SUSPENDED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Cook, for the third reading of Bill S-18, An Act to Amend the Food and Drugs Act (clean drinking water).—(*Honourable Senator Beaudoin*)

Hon. Gérald-A. Beaudoin: Honourable senators, I would like to say a few words concerning Bill C-18 introduced by our colleague, the Honourable Senator Grafstein.

The purpose of this bill is to amend the Food and Drugs Act, adding drinking water to the list of foods covered by this act. More specifically, this amendment, if accepted, would enable the federal government to monitor water distribution systems throughout Canada.

The bill's sponsor, Senator Grafstein, has stated in this House that the power to legislate in this area belongs to the federal government by right of its residual jurisdiction relating to peace, order and good government, public health and the concept of "responsible government."

I am more of the opinion that jurisdiction over water, particularly water supply systems and water purification, falls under provincial jurisdiction. This is clear and based on a number of the provisions of our Constitution.

Provincial jurisdiction as far as property and civil rights are concerned is fundamental; it is set out in section 92(13) of the Constitution Act, 1867. It is global and encompasses provincial authority over a multitude of activities within its territory: sport, recreation, labour, local commerce, land, local marketing, local transportation, and labour relations.

The jurisdiction of the legislatures over municipal institutions is critical as regards the protection of the environment. Pollution is concentrated in cities and urban planning is now a leading sector. Regulations on zoning, sewers, waste collection, waterworks, water treatment plants, drinking water supply, sanitation of premises, sanitation and construction are made by provincial legislatures. If we add to this already impressive list the pollution caused by noise, odours and smoke, and the protection of the environment through measures designed to improve aesthetics, we get a very broad area.

Dean Peter Hogg also believes that water treatment is under provincial jurisdiction. In his book entitled *Constitutional Law in Canada*, 4th edition, he says, on p. 738:

[English]

This power and the power over municipal institutions, section 92(8), also authorizes municipal regulations of local activity that affects the environment, for example zoning, construction, purification of water, sewage, garbage disposal and noise.

[Translation]

Moreover, section 109 of the Constitution Act, 1867, provides that the provinces are the owners of the natural resources located on their territory. There is no doubt that water is a natural resource. In a speech delivered in this chamber on April 25, Senator Morin clearly demonstrated that water is not food under the Food and Drugs Act.

It seems to me that Bill S-18 is trying to do indirectly what it cannot do directly: the federal Parliament would appropriate a jurisdiction over water and water-distribution networks that clearly belongs to the provinces. This is not acceptable in a federal system like ours.

[English]

To summarize, I understand perfectly well the preoccupation of Senator Grafstein. However, the honourable senator is not selecting the proper legal remedy to achieve his goal. Water is a natural resource and it is an essential element for human beings, animals and vegetation. In itself, it is not a dangerous substance that should fall under the jurisdiction of Parliament in the Criminal Code. On the contrary, and this has been the case since Confederation, I do not understand why it should now fall under federal authority in the Food and Drugs Act. Water is a provincial matter under section 92.(13) and section 109 of the Constitution Act, 1867.

Honourable senators, I conclude that Bill S-18 violates the division of powers between the federal government and the provincial governments. It is for that reason that I will vote against Bill S-18 at third reading.

Hon. Jeremiah S. Grafstein: Honourable senators, I should like to thank the honourable senator for taking the time to examine this issue of Bill S-18. It would have been more helpful had he raised the issue before the Standing Senate Committee on Energy, the Environment and Natural Resources, which exhaustively examined this and other questions.

Perhaps I might draw to the attention of the honourable senator the most recent authoritative statement on whether the federal government has the jurisdiction to deal with water, water pollution and water regulation. I refer the honourable senator to the report of the Commissioner of the Walkerton Inquiry, the Honourable Dennis R. O'Connor, Justice of the Ontario Court of Appeal, who was specifically mandated by the provincial government to examine the provincial problem with respect to water and water regulation. Part 1, chapter 13.2 of the report states:

The provincial jurisdiction over water is not, however, exclusive. The *Constitution Act, 1867* grants the federal powers to regulate various aspects of water resource management.

Commissioner O'Connor further states, and I quote:

The federal government has also regulated water pollution for the "peace, order and good government" of Canada, and to protect the health and safety of Canadians. It has used its criminal power to support regulations concerning the release of toxic substances into the water. In addition, section 36 of the *Constitution Act, 1982* specifically provides that both the federal and provincial governments are committed to "providing essential public services of reasonable quality to all Canadians."

That, to my mind, flatly contradicts what the learned honourable senator has brought to our attention. More important, the federal government has already opined on this question.

Senator Bolduc: Honourable senator, is that a question?

Senator Grafstein: The honourable senator has referred to some specifics and I would like to provide one more specific to which he may respond. I will be brief.

Is the honourable senator aware that Bill C-76 was introduced by the federal government in 1996 and was called the Drinking Water Material Safety Act? The bill died on the Order Paper and was reintroduced in October 1997 as Bill C-14.

• (1620)

The honourable senator knows full well, as we both served on the committee, that the federal government is pre-empted from introducing any bill dealing with the Constitution without it first receiving an internal opinion from the Department of Justice that it is within its purview to do so.

We have, honourable senators, two contradictory statements. We have Mr. Justice O'Connor and the Department of Justice internally giving a memorandum to Parliament.

Senator Beaudoin: Honourable senators, I have quoted Dean Peter Hogg, who is considered to be one of the greatest constitutional experts in Canada. I know that some lawyers may disagree with that, and I will allow them to do that.

That is not the problem; the problem is that purification of water at the municipal level has been under provincial jurisdiction since Confederation. I am not saying that the Parliament of Canada cannot intervene in the event of pollution, or to prevent exposure to dangerous substances such as explosives or toxic matter. The problem is that we are in a provincial field of legislation.

I am dealing with water as a natural element on the planet. Water in itself may be contaminated. Water has navigational purposes, and navigation is a federal responsibility. I do not challenge that. At the municipal level it is, and has always been considered to be, a matter of provincial jurisdiction. We may agree to disagree on this, and we may even go to the Supreme Court where, I am sure, there would be an interesting debate.

However, with Peter Hogg on my side, I believe that I have some authority on this. Of course, it is possible consider other authors who have written on this point. It is certainly not in the residual federal power, as that has been strictly interpreted by the

[Senator Beaudoin]

Supreme Court. We have many decisions on this. It is not included in that. I regret, I agree with the objective of the honourable senator, but I do not agree with the methods being used to correct the situation.

I am strongly in favour of the Canadian federation; but I wish to respect the division of powers. This power is provincial. Although I would like to pass legislation that relates to water, we do not have the power to do that. That is all.

Senator Grafstein: I will not belabour this point. I would ask Senator Beaudoin: Is it not fair to compare Mr. Hogg to the justice of the Supreme Court of Ontario who was given some specific responsibility to inquire into this matter, and stated that the federal government shares this power with the provinces? It is not an exclusively provincial jurisdiction. That was his point.

Senator Beaudoin: Peter Hogg is quoted more often than the judge to whom the honourable senator refers.

We are not infallible, of course. Only the Supreme Court may rule at the last instance. This is the first time in my life that I have heard someone compare Peter Hogg to a judge, and concluding, *ipso facto*, that the judge is right. Why do we have courts in this country?

I have done my duty, and I have reached my conclusion. I regret it, perhaps, but to me it is as crystal clear as water.

Senator Grafstein: If this were a laughing matter, I would be laughing. However, people are dying because of bad water in this country, and I take this matter very seriously.

Has the honourable senator examined the Drinking Water Materials Safety Act, 1996, Bill C-76, later reintroduced as Bill C-14? As the senator well knows, the government cannot, of its own volition, introduce a bill in Parliament without receiving an internal opinion from the law offices of the Crown that the bill is constitutionally sound. That bill was introduced not once, but twice in the other place and, as a precondition, as the honourable senator knows full well under our internal rules, that cannot happen without the law officers opining to the officials that it is constitutionally sound.

Senator Beaudoin: Honourable senators, I agree that from time to time the Government of Canada asks the Department of Justice for constitutional law opinions. However, most of the time, they ask Peter Hogg. What else can we do?

[Translation]

The Hon. the Speaker pro tempore: Honourable senators, Senator Beaudoin's time is up. It is now 4:30 p.m. Honourable senators, do you agree, as discussed, that the Senate now adjourn during pleasure to await the arrival of Her Excellency the Governor General?

Hon. Senators: Agreed.

The Senate adjourned during pleasure.

• (1640)

ROYAL ASSENT

Her Excellency the Governor General of Canada, having come and being seated on the Throne, and the House of Commons having been summoned, and being come with their Speaker, Her Excellency the Governor General was pleased to give the Royal Assent to the following bills:

An Act to amend certain Acts and instruments and to repeal the Fisheries Prices Support Act (*Bill C-43, Chapter 17, 2002*)

An Act respecting the national marine conservation areas of Canada (*Bill C-10, Chapter 18, 2002*)

An Act to amend certain Acts as a result of the accession of the People's Republic of China to the Agreement Establishing the World Trade Organization (*Bill C-50, Chapter 19, 2002*)

An Act to re-enact legislative instruments enacted in only one official language (*Bill S-41, Chapter 20, 2002*)

An Act respecting the taxation of spirits, wine and tobacco and the treatment of ships' stores (*Bill C-47, Chapter 22, 2002*)

An Act respecting the long-term management of nuclear fuel waste (*Bill C-27, Chapter 23, 2002*).

The Honourable Peter Milliken, Speaker of the House of Commons, then addressed Her Excellency the Governor General as follows:

May it please Your Excellency.

The Commons of Canada have voted certain supplies required to enable the Government to defray the expenses of the public service.

In the name of the Commons, I present to Your Excellency the following bill:

An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003 (*Bill C-59, Chapter 21, 2002*)

To which bill I humbly request Your Excellency's assent.

Her Excellency the Governor General was pleased to give the Royal Assent to the said bill.

The House of Commons withdrew.

Her Excellency the Governor General was pleased to retire.

The sitting of the Senate was resumed.

FOOD AND DRUGS ACT

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Cook, for the third reading of Bill S-18, An Act to Amend the Food and Drugs Act (clean drinking water).—(*Honourable Senator Beaudoin*).

Hon. Roch Bolduc: Honourable senators, when I was Deputy Minister of Municipal Affairs in Quebec, I was responsible for monitoring the province's water treatment systems. If memory serves well, there were 1,500 or 1,800 of them. Obviously, a few engineers are needed in municipalities to monitor all these systems. This has been a municipal responsibility since the time of Confederation. This is a local responsibility and it has always been under provincial jurisdiction. The provincial government, under the municipal act, gives this responsibility to the municipal councils; this is the case across Canada. The municipalities are doing a good job looking after it. I use Quebec as an example, because it is the one I remember best. At the municipal level, there are engineers and consultants to advise municipalities, so as to ensure a safe water supply. This is reasonable. Obviously, in the department of the environment, there were engineers specializing in sanitary hygiene to study these issues.

I do not wish to open up a debate on the constitutionality of this responsibility. In my opinion, it is clear, it is a municipal responsibility. It is a local issue. I remember that when Mr. Charest was the federal Environment Minister, he introduced a bill that contained a provision whereby the federal government would become involved every time there was an environmental problem in Canada. Every time the federal government injected cash into the study of a project, it had jurisdiction. I did not agree. He was the minister in my government. It was problematic. Normally, we are in the habit of following party lines. However, I could not accept this bill. I had too much experience to let it go. I was convinced that it would not work. There is such a thing as common sense. The Constitution is based on common sense. It is a local issue; we should leave it to the municipalities. That is the only way it can work in the real world.

• (1650)

The fact that contamination occurred in Walkerton does not mean that something will happen in La Tuque or somewhere else. If, out of Canada's 3,000 water systems, there is an incident in one, why panic and say that the federal government needs to be in charge? From the point of view of public administration, that is not an argument.

There are so many problems in the areas over which the federal government does have jurisdiction, so let us leave it to deal with them. The same goes for the provinces. As for the municipalities, one of the first things I would propose is that there be a constitutional amendment that would provide the municipal institutions of Canada with constitutional protection against provincial or federal encroachment. I have already proposed this once and it was not felt necessary.

Our position needs to be reviewed. Otherwise, the federal government will end up with jurisdiction over everything. I do not

want to launch into a polemic against Senator Grafstein because he is a friend. We sat together a long time on the Foreign Affairs Committee and he, like me, came around to thinking that free trade was a good thing. We are practically on the same wave-length, as far as international policy goes, and I have a great deal of respect for Senator Grafstein. He is a talented speaker, but that said, I find he is exaggerating here.

I love my friends, but I love truth more. I must therefore say that he is exaggerating. A question need not be under federal jurisdiction just because it is important. Some things need to be under Ottawa and some do not.

As far as the environment is concerned, many important matters do need to come under federal jurisdiction. For example, all of North America is affected by pollution generated by plants in Ohio. This is a major problem that affects all of America, a problem the federal government must settle with the United States.

Then there is the St. Lawrence system, which affects eight U.S. states and three Canadian provinces. Its pollution affects an area that starts in Chicago and ends in the Maritimes.

Where the rivers and streams of Quebec are concerned, let us let Quebec look after them. When I was Deputy Minister of Municipal Affairs, the then premier did not want to do so, and he was wrong in this.

My point of view on this is a simple one. Let us maintain the division of jurisdictions so that we are not under the rule of a single level of government. Power must be shared as much as possible. Montesquieu was right about this. Let us share power as much as possible between the legislative, executive and judiciary. Here, in our British-based system, power is insufficiently shared, and this is unfortunate.

From time to time, an incident may occur, but such things happen. If there is a motorcycle accident in Quebec, will we say that it comes under federal jurisdiction? Come on! It is a matter of common sense. I am appealing to people's common sense.

I went through similar experiences when I was Deputy Minister of Municipal Affairs. I can tell you that, considering the variety of situations, it is very wise to leave things as they are. In the municipal world, people manage as best they can. There is no distribution, no redistribution. Whether one is rich or poor, one pays for his water, and if one consumes more, one pays more.

When we want to redistribute as was done in health and education, we nationalize at the provincial or federal level. However, at the municipal level, there are at least 15 very important local activities that must remain local, without redistribution.

I remember that the minister at the time loved giving subsidies. I would tell him: "Just hold on, Mr. Minister, we must not give too many subsidies, because the money comes directly from the pockets of the neighbours, who must also pay for their water."

We must be reasonable. The municipal jurisdiction includes 15 important activities that must remain at the municipal level, because the variety of situations is such that it would be impossible for the federal government to monitor them all. It would be a complete mess. The federal government already has its hands full. In fact, there has not been a week when I did not ask

questions about a mess in the federal administration. Senator Grafstein's bill is good, but I will vote against it.

Hon. Pierre Claude Nolin: I understand Senator Bolduc's point of view. I read the bill and, indeed, some parts are a source of concern regarding provincial jurisdictions.

I am sure that when Senator Bolduc was deputy minister of municipal affairs, regulations were in place to ensure the quality of water and to provide for penalties if some individuals provided public drink water that was not drinkable.

In the bill before us, if we take only the offence of providing a non-sanitary food to the public, it is an offence that comes under federal jurisdiction. This is a power in criminal law regarding which there can be no problem. This complements the provincial power to establish waterworks and distribute water to the businesses and residents of municipalities.

There can be joint jurisdiction over the safety of drinking water. Would Senator Bolduc agree with this joint jurisdiction?

Senator Bolduc: I am a rather practical person. Right now, there are provincial water safety regulations. There are 900 water supply systems in Quebec and everything has been working well for 25 years. It can occasionally happen that the water is polluted at one location for two or three days, and a provincial inspector advises the public to boil water.

Why complicate things? I can imagine that if someone deliberately throws toxic substances into a water supply system, that it is a crime. The Sûreté du Québec will deal with the case. I do not see what the RCMP would have to contribute to such a case, but if it has to get involved, it will. What can I say?

Senator Nolin: Almost everyone agrees that the role of the criminal law is to curb actions or omissions which cause significant harm to individuals or to society.

You talk about someone who might pollute water through negligence. You cannot prevent the federal government from using its criminal law authority to create an offence and to provide for penalties. It is legitimate and Senator Bolduc cannot oppose it.

Senator Bolduc: If there is criminal negligence, it is obvious that the Criminal Code applies. I imagine that there must be provision in the Criminal Code for such a case. It seems elementary to me.

Senator Nolin: It is not obvious.

Senator Bolduc: I was not aware that it was not obvious. I plead ignorance.

• (1700)

[English]

Hon. Jerahmiel S. Grafstein: First of all, I thank Senator Nolin for drawing Senator Bolduc's attention to what I said. This is a shared responsibility. This is not to exclude the provinces from dealing with infrastructure, but it is to deal with contaminated water.

Is that senator aware that only 12 out of 45 water treatment plants between Montreal and Quebec were able to achieve a minimum standard to avoid the risk of serious pollutant.

Giardiasis. Are you aware that 300 municipalities draw waters from the rivers at Quebec without filtering? Are you aware that at least one-third of the municipalities in the last year have issued serious boil advisories?

What happens when the province fails to meet its responsibility under the Constitution with respect to public health? What are we to do? Should we ignore it or should we clinically act?

[Translation]

Senator Bolduc: I was not aware of the figures my colleague mentioned. I read the papers, like everyone, and no one has died in Quebec from contaminated drinking water. Potable is a relative concept. Some people think that if sanitary engineers study the problem, they will solve it. Apparently, some people go about things differently, it works, and people are not dying of contaminated water every day. We must not exaggerate. There are cases where there are problems. The system is not perfect. Take the bridges and highways as an example. If we waited until the roads were free of potholes to drive our cars, we would wait a long time!

[English]

Senator Grafstein: Honourable senators, I have a final question. Is the honourable senator aware that it was reported in the Montreal press on May 18, less than a month ago, that in a colloquium on water and health held at Laval University, the university of Senator Morin, a group called L'association canadienne-française pour l'avancement des sciences dramatically pointed out that each and every Quebecer suffers from gastrointestinal problems from bad water at least once a year?

[Translation]

Senator Bolduc: He cannot be serious! I am a Quebecer. I am no superman, and I have never gotten sick in 45 years.

[English]

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I will be brief, except to remind honourable senators that one of our great responsibilities is to see that every bill that comes before us, whatever its origin, meets the basic constitutional tests that can be applicable to it.

I disagree with Senator Grafstein that a government bill carrying a Department of Justice seal of approval is foolproof. We have seen too many bills that have been passed here and given Royal Assent challenged before the Supreme Court and struck down. For instance, I think of the Tobacco Act, and there are many more.

In the cases before us, some serious concerns have been raised as to respect for the division of powers. I should also like to bring to the attention of honourable senators not only the exchange of today but Senator Bacon's remarks on April 16. I remind you that Senator Bacon was a senior minister in the Bourassa government, and conscious of the division of powers, as that government was over the years.

She said about this bill:

...the federal government is encroaching on an area of provincial and territorial jurisdiction.

She added:

Furthermore, historically the provinces have held the legislative power over drinking water within their boundaries, subject only to any conflicts with legislation enacted under the federal regulatory system.

Clearly, taking away the power over water resources from the provinces is an infringement of the federal government over provincial jurisdiction.

Perhaps I cannot put her on the same level as Peter Hogg, because she is not a legal authority, but she is someone with great practical experience, and her opinion cannot be treated lightly. Accordingly, honourable senators, we would be remiss to proceed with this bill any further without getting some clarification and some direction as to the constitutionality of it, and in particular, whether it respects the division of powers, and, if it does encroach or does not respect it, how it can be corrected. The purpose of the bill is something with which I think we all agree, but does it respect this division of powers?

MOTION IN AMENDMENT

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, in amendment, I move that this bill be not read a third time but be referred to the Standing Senate Committee on Legal and Constitutional Affairs so that that committee can review the bill in light of the remarks made by Senator Bacon on April 16, and those made by Senator Beaudoin today, concerning the effects of division of powers set out in the Constitution Act, 1867 on this bill.

The Hon. the Speaker: Honourable senators, is it your pleasure, to adopt the motion in amendment?

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

Motion in amendment agreed to, on division

Hon. Jeremiah S. Grafstein: Honourable senators, I want to thank the honourable Leader of the Opposition for giving me an opportunity to address this and some other misconceptions about this bill.

I want to thank all honourable senators, including the committee that dealt with this bill, because I think it is important, when we focus on this bill, to look at what it is and what it is not.

Last month, Canadian scientists around the world were in great excitement. The Hubble telescope in space brought photographic evidence that ice and, therefore, water exists on the planet Mars. Without water, the scientists concluded, there could be no life. With water, life can be sustained, and we all now accept that water is inseparable from life and health.

Honourable senators, again let me thank you for indulging me on a voyage of discovery, the very grim discovery that the sorry state of drinking water is not just in Quebec, Honourable Senator Bolduc, but also in every region, in every territory across Canada. I would not have brought this bill forward if it were just a problem in Ontario; I would not have brought it forward if it were just in one of the regions. However, the committee found strong

evidence that there are serious and up-to-date drinking water problems in every region of this country.

Why has that happened? The answer is simple: Municipal and provincial officials who have first responsibility, as Senator Bolduc pointed out, for dealing with the infrastructure and the distribution of clean drinking water have been derelict in their responsibilities under the Constitution. In Quebec, they acknowledged it last year when they dumped another \$600 million into the infrastructure, and still it is not working. Under the Constitution, they were derelict in their duty to ensure good public health.

There is a clear and unequivocal dereliction, and that is the only reason I brought the bill forward, and I respect Senator Bolduc and those other honourable senators from Quebec who are sensitive about invasion. This is not an invasion. This is not an invasion of provincial authority. The provinces stay where they are, as do the municipalities. There is a clear and unequivocal dereliction of duty at the provincial and municipal levels in every region, province, territory and every jurisdiction in Canada.

Can this staggering problem be remedied? Can we assist without invasive powers? We had overwhelming evidence from the unanimous report of the Standing Senate Committee on Energy, the Environment and Natural Resources, from the Sierra Legal Fund and from the Sierra Club that a precise, surgical renovation to our law, as outlined in Bill S-18, could quickly ameliorate the situation. This bill would not displace provincial authority.

This bill would go, as Senator Nolin pointed out, using the criminal power as it relates to food and drugs, which has never been challenged in Quebec. Through all the problems about Quebec, we never heard a challenge about food and drugs because Quebecers and every Canadian feel exactly the same way about public health: Where public health is involved, do the right thing, and respect constitutional lines while doing it.

What would this bill do? It would goad the provinces to faster action by transforming voluntary federal guidelines that already exist into an enforceable standard of regulations on a cost-effective basis. Senator Banks drew this to our attention, and for that I thank him. He said we have to have not just voluntary standards but standards that are enforced by sanctions. There will be no duplication of effort. Voluntary guidelines already exist under the aegis of the Department of Health, within the federal government. Some argue that these standards are not good enough; they should be higher.

What are we to do? Higher standards on the existing legislation can be easily obtained by moving it up a notch or two under regulation. The mechanism for obtaining provincial consensus is already in place. They meet regularly under the aegis of the federal government. The organization already exists with respect to doing that, and unquestioned research facilities already exist within the ambit of the Department of Health, unlike Ontario or Saskatchewan or, dare I say, Quebec.

• (1710)

Inspection mechanisms are already in existence and in place under the Food and Drugs Act. Hence, a simple amendment to the Food and Drugs Act is the most cost-effective, the least invasive, the sanest, the most rational and the speediest way of federal oversight, to bring greater accountability to those

responsible for managing the infrastructure in each municipality and under provincial authority. There is no problem. It is not an invasion of authority and it does not blur the lines of provincial or federal responsibility.

Just last month, the Province of New Brunswick called on the federal Department of Health to research the current E. coli outbreak there. In Ontario, during the fallout of Walkerton, when no research facilities could be found, the federal department was called upon to analyze the problem and recommend solutions. Why? It is because the federal government has had the unquestionable research expertise in place for years and years. Senator Morin certainly knows that.

What does this bill not do? This bill does not displace existing provincial or municipal authorities or their statutory responsibilities.

Senator Cordy, from Nova Scotia, said it would be solely a federal government responsibility under this bill. That is not correct. That misreads the bill. This bill leaves everything in place, but it adds federal oversight on a cost-effective basis. The declaration of this bill would bring greater oversight, accountability and health information to the public.

In the province of Quebec, Ontario and Nova Scotia there is no public announcement. The Honourable Senator Bolduc did not know this information, nor did I. I had to read it in the newspapers and collect it. There are serious problems. The colloquium held at Laval was correct. I was surprised. The public does not know. Under our statutes, the public has a right to know when their health is being affected. However, the federal responsibility is not there and the provincial governments are not fulfilling their responsibility. I read 3 million lines of evidence from the inquiries in Saskatchewan and Ontario, all of it showing a dereliction of provincial and municipal duties. The same is true in Quebec, but not to the same extent.

What can we do here? If we do this, we have the problem of costs. Senator Bolduc is sensitive to such costs. The health costs are burgeoning. Health costs are running out of control. What happens? We estimate that no less than \$1 billion a year, possibly more, is now spent across the country as a result of bad drinking water for children and adults. In Vancouver, 17,500 people go to the hospital every year because of bad drinking water. That is the evidence. It is estimated that Walkerton cost taxpayers \$150 million to \$200 million. People died and 2,300 became sick, many with chronic illnesses that are worse than they thought two years ago, all a result of the dereliction of the public duty to serve just 5,000 people — \$200 million for 5,000 people. It could have been my mother. God bless her, she is 101 and will be 102 in October. She taught me at an early age — as your mother taught you, Senator Bolduc — that an ounce of prevention is worth a pound of cure. Had we spent \$5 million in Walkerton, we would have saved the taxpayers \$195 million — from one small town.

This bill will compel provincial governments, municipal governments and the federal government — which does not come to this with clean hands — to rethink their priorities about preventive steps on public health. This bill will prevent runaway medical costs. How?

Water is cheap in Canada. Senator Morin pointed this out. Canadians are profligate when it comes to the use of water. Canadians are the highest users of water per household in the

world precisely because water is so cheap. Senator Morin affirmed that the cost differential between us and the United States and Europe is large. We have the cheapest water in the world. There is ample room to build affordable models at the provincial and municipal levels to stop this horrendous problem of water pollution so that we can have within the existing mechanisms a way to regulate and inspect our water systems on a cost-effective basis.

In the final report, Mr. Justice O'Connor estimated that it would only cost between \$9 and \$17 per household to renovate the entire situation in Ontario. That is less than the cost of movie tickets for two. We are not talking about horrendous transfers of funds, but about a reallocation of provincial authority in the right place with federal oversight.

I believe — and I say this carefully — that there is no constitutional impediment for us to exercise this power under the Food and Drugs Act. I thank Senator Nolin for pointing out to me informally, and we agree, that the Food and Drugs Act has an unquestioned criminal power for contaminated food. By the way, Mr. Justice O'Connor agrees that the federal government has the authority if it chooses to exercise it. It is a shared authority.

Is there a demonstrable breakdown in provincial and municipal responsibilities? There is.

Under our form of constitutional checks and balances, the Fathers of Confederation envisaged that the federal government would be the great equalizer; that the federal government could be enlisted to tilt the balance and compel greater legal, constitutional, provincial accountability under the division of powers and the sweeping federal override of oversight. That is how the Constitution was constructed, precisely for this question. It is when the provinces fail to fulfil their provincial responsibilities under their division of powers that the federal government is supposed to be enlisted, and for precisely that reason. That is what the Fathers of Confederation said. Their duty to the citizens of Canada, as Senator Banks said, is accountability through sanctions.

Quebec has never challenged the clear powers exercised under the Food and Drugs Act, nor, in my belief — and I come from Ontario — would the people of Quebec challenge the federal exercise of these very sanitary, surgical powers as proposed, especially when the citizens of Quebec discover that the bill would guard their public health and ensure clean drinking water to all the population.

Citizens across the country are no longer indifferent to their public health. As I pointed out already, the recent colloquium of scientists in Montreal said that they estimate that each and every Quebecer suffers from gastrointestinal problems from bad water. The reason we can say this only about Quebec is because similar intensive studies have not been done in the rest of the country; nor has the federal government done any.

Senator Morin — and I am sorry he is not here — raised a very interesting and curious question about water as food. Is water a food? Senator Morin argued eloquently that since water does not produce energy, it ought not be designated as food. Perhaps he should have looked more carefully at how we administer public health under the Food and Drugs Act as we have from the outset decades ago. The Food and Drugs Act protects the public health

by regulating carefully and conscientiously the foods and the drinks we consume regularly for not just energy, as the honourable senator pointed out, but for growth and for health. The Food and Drugs Act covers what we do to correct the malfunctions of our bodies. It regulates not only how we consume energy but how we consume matters for biological or biochemical reasons as well.

Water is needed by the human body not only as a source of minerals, but also as a source of micronutrients. Water is essential to maintain the liquid balance in our bodies, as the human body is composed of 90 per cent water, and no scientists disagree with that. The Food and Drugs Act regulates not only energy sources, as Senator Morin suggested, but it also regulates vitamins, minerals and, of course, micronutrients, which include energy, all under the same act. It would be scientifically illogical to exclude drinking water when Canadians absolutely depend on their bodies to function in good health.

Finally, the Food and Drugs Act does regulate water. It regulates distilled water. Doctors tell me that if we depended solely on bottled water, this in itself would be unhealthy because too much dependence on just distilled water is a bad thing for the body. We must have naturally-treated water to restore the balance.

• (1720)

The federal government already regulates under the Food and Drugs Act by means of bottled water, packaged ice and, as Senator St. Germain pointed out, chewing gum. The federal government already regulates water in public parks, buses and airplanes.

The Hon. the Speaker: Senator Grafstein, I regret to advise that your time has expired.

Senator Grafstein: Might I have leave to continue?

The Hon. the Speaker: Honourable senators, is leave granted?

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, surely we could grant the Honourable Senator Grafstein a few minutes to finish his speech.

[English]

Senator Grafstein: I believe that every senator who spoke on this matter agrees that bad drinking water poses a serious problem to public health. Nobody disagrees with that. Even Senator Beaudoin pointed out that he agrees that this is a problem, but that this bill is not the right solution, as did Senator Bolduc. Everybody agrees; there is no disagreement.

I have consulted a number of medical and scientific experts on this question of water. They unanimously advise me that the question is the wrong question, not whether water is food under the Food and Drugs Act, but whether it is a question of public health. That is what the Food and Drugs Act was directed to.

On this question, there is unanimous agreement: There is a serious, clear and present danger to our public health posed by bad drinking water. All public health officials agree that the federal government has the authority under the Food and Drugs

Act as the most cost-effective, sane and rational way to remedy this bad problem.

In Europe, the European Union, by its commission in Brussels — and Senator Bolduc and I visited there — have enforceable EU standards to cover the entire EU space. They issue regular reports on violations. They do spot checks, but they do not displace the local municipalities or the local state, departments or regions.

In addition, national regulations are still in place and are still vigorously imposed. As a matter of fact, because the EU brought in oversight, that forced the municipalities in Europe to intensify and strengthen their regulatory mechanisms. It acted as a cudgel to force them to do that.

In the United States, the situation is clear-cut. Under the Clear Drinking Water Act, passed in 1974, the federal government assumed regulatory oversight, as I am proposing, over drinking water in every state and municipality. This was not an invasion; it was oversight. This oversight did not relieve the lower orders of government in the United States from their responsibility.

If this bill is adopted, federal inspectors would provide regulatory oversight comparable to that of the United States without relieving the municipalities or the provinces of their responsibility under their laws. Passing this law would provoke immediate change in every region and every province of this country.

Honourable senators, how did I come to draft this bill? I am not a water expert. I blame our caucuses. After the Walkerton matter, I began to listen carefully to my colleagues in Senate caucus. I became curious. I learned of the problems of drinking water, not just in Ontario but in every region across the country: Quebec, Newfoundland, Manitoba, Nova Scotia, Saskatchewan, Alberta, British Columbia, Prince Edward Island and New Brunswick; in every province. I heard anguished stories from senators from the territories and the Aboriginal communities. We heard them in the Senate. I started collecting newspaper clippings and I started reading.

I found that the media treated bad drinking water as a local problem. Hence, the reason Senator Bolduc did not find out about what was happening in his own province is that it is dealt with as a local problem in the media. It is never a regional or a national problem. When it is a boil advisory, nobody else reads about it.

The national media never collected data on a national basis, nor did the federal government or the provinces. The Province of Quebec is just starting to collect this data. The Province of Ontario still does not. That is what the Sierra Club says: They do not do what they are supposed to do.

The federal government does not noticeably collect or publish regular data related to the health costs of bad drinking water across the country. We do not keep track of it either. However, we do have an obligation. The Minister of Health has a statutory obligation under his statutory duties to collect this information and make the public aware of it. We do not do that. That is wrong. Somebody could bring an interesting action against him.

In order to extrapolate figures, I called upon Dr. Schindler, one of Canada's leading international experts on water. We met at a water summit in the Mohawk territories last summer. My good friend Dennis Mills, member of Parliament from Toronto, brilliantly organized this summit.

Together with Dr. Schindler, Mr. Mills helped me to devise a cost model based on American experience, because we had no figures for Canada that would allow us to assess the cost of all this. From that, we calculated that no less than 100,000 people a year in Canada become sick or even chronically ill from bad drinking water, and probably more. We believe the situation is worse in Canada.

We have already found out from Senator Chalifoux that babies are deformed or, worse, dying. Six to seven babies died on one reserve on an annual basis. If you extrapolate those numbers that means over 100 babies die every year in Canada because of bad drinking water in the Aboriginal communities. That is a scandal. This is the 21st century.

Senators Watt, Chalifoux and Sibbeston all eloquently affirmed what I have said in this debate. This does not come from me, but from them.

Senator Watt has been on my back about this subject for two years, asking how we might alleviate the situation. He is right. Think about it, honourable senators: Children dying because of bad drinking water in Canada, in the 21st century, in the best country in the world.

In his report, Mr. Justice O'Connor agreed that the situation in the Aboriginal communities in Ontario is abysmal, and far below even Ontario's abysmal standards of care when it comes to drinking water. That is not right.

What are we to do when confronted with a clear and present danger to our public health? I believe the federal government is obliged, under their statutory responsibility to public health, to take cost-effective, surgical, non-duplicative and efficient action. That is why this bill was crafted, to provide clean drinking water regulations that are enforceable, as Senator Banks has said, right across the country for the first time.

Senator Morin admonished me. He said, if Canada brings clear drinking water under the Food and Drugs Act, we would be the only country in the world to so do. That is absolutely correct. Canada would be leaders in the field of regulating clean drinking water throughout the world. That is where we should be. Canada should lead on clear and safe drinking water.

Finally, honourable senators, I offer a thought about the pivotal role of the Senate. The Senate was designed to represent the regions, the minority interests, and uphold constitutional principles. The Fathers of Confederation designed a powerful, sovereign, independent role for the Senate to act precisely as a check and balance when there are egregious political actors in the federal-province stream, be it the executive, the House of Commons or the provinces. That is why the Senate was established, to act as a check and balance when the provinces, the federal government or the House of Commons act egregiously. Clearly, this appears to be one of those cases.

When any constitutional player overplays or underplays his role, the Senate was crafted, according to the Fathers of Confederation, to independently restore the constitutional equilibrium by the use of its powers. We have the power to pass this bill. Is it not our Senate duty to instigate action when the House of Commons and the executive fail to deploy their constitutional powers?

How to implement this bill? If we implement it, it would immediately do what it did in the United States. In the United States, because of the Clear Drinking Water Act, any citizen can dial up to a Web site and find out when the last water advisories were in their region. All you have to do is put in your area code and you will get that information. We could do that right away. It is cost effective. We could gather that information.

Honourable senators, I believe that passing this bill would immediately provide an explosive wake-up call. I would not have been as passionate today had I not read an article in today's *Globe and Mail* that says that after two years in Ontario, guess what? The wake-up call did not wake anyone up. Why? Two years after the Walkerton disaster, the Ministry of the Environment says that the health of hundreds of thousands of the province's residents have been put at risk because of problems with drinking water testing. This is two years after Walkerton, after the renovation and the inquiry.

• (1730)

The report goes on to say:

The communities involved are in Southwestern Ontario, the Hamilton region, the Niagara Peninsula and Eastern Ontario, and affect hundreds of thousands of people.

When the minister was asked yesterday whether that was an accurate estimate, that hundreds of thousands were at risk, his answer was: "It is probably in that range."

By the way, the House of Commons already dealt with this bill in a strange way. It passed a resolution some months ago adopting the principles of this bill.

Honourable senators, it is my hope that we deal with this bill expeditiously and bring it to a vote. Leave the responsibility and ticklish questions that have been raised here to the other place. They want this bill. Every caucus has asked me for this bill.

I would ask honourable senators to reject the amendment and to pass the bill.

The Hon. the Speaker: I must advise that Senator Grafstein's time has expired, the leave having been given for him to complete his remarks not going beyond that.

Do you wish to speak, Senator Bolduc?

Senator Bolduc: I have already spoken.

[Translation]

It seems that I am authorized to speak to this amendment. I know Senator Grafstein well and he believes strongly in what he has proposed.

[English]

The Hon. the Speaker: There is a question, regarding Senator Bolduc's right to speak. Senator Bolduc is not asking a question. We are on a debatable motion. He did speak earlier on the main motion, but now that we have amendment before the house, he is entitled to speak again.

[Translation]

Senator Bolduc: Honourable senators, I understand Senator Grafstein's attitude very well. He has looked into the question thoroughly, and he is convinced that the solution lies in federal intervention. In other words, "big brother knows best." In Quebec City or in Toronto, they do not know what is what. They do not have a clue. We do; we have experts in Ottawa who will solve the problem. Thinking like this is a serious error. I have experienced this. It is all very fine on the theoretical level, but in reality, I had a number of engineers working for me in environment, all with Sanitary Engineering Masters degrees from Harvard, Yale or some other U.S. university. They were top notch, even better than the municipal people. It is the same in Toronto. I am sure of it.

Montreal and Toronto have their experts. They have consulting engineers they can call upon. You would have me believe that Ottawa is going to develop a group of experts better than the municipal ones? This is unrealistic. You are enthusiastic, but not realistic. It will not work. In life we need to know what we are talking about. In this field, the best sanitary engineers are already there in the municipalities, in the consulting engineering firms, in the government at Quebec City, Toronto or wherever. Perhaps there are problems in the provinces. You have referred to the problems in some aboriginal communities. This has been a federal jurisdiction for 45 years and the federal government has never dealt with it. The problems have not been solved.

Do you think it is going to look after all of Canada? This is as theoretical as those discussions between philosophy professors. The senator's presentation was good, well argued, and I have not researched the question as much as him, but I have lived it, and that makes a big difference. The engineers in Ottawa who will be involved will not be any better than those in Montreal's sanitary unit laboratory. We must realistic in our day-to-day approach to such technical issues. What will it be? Another laboratory in Ottawa to solve problems? This is not serious! The intention is great, but in my 40 or 50 years in public life, I have learned that speeches at second reading stage delivered by governments and others always deal with intentions. Intentions are great, but the problem is that implementing these intentions has perverse effects in that bureaucracy produces results that are not what they were meant to be.

Read the speeches made at second reading stage. Take the example of firearms. An act was passed to control firearms. The idea was to monitor things and prevent tragedies such as the one that occurred at Ecole Polytechnique, in Montreal. This initiative was going to cost \$75 million. We are now at \$800 million and there are still many people in Canada who have not registered their firearms. If you only knew the mess created by this legislation, you would not want another federal jurisdiction on top of the provincial jurisdiction to ensure clean water.

[English]

Senator Grafstein: Was that a question?

The Hon. the Speaker: No, that was an intervention.

[Translation]

Senator Bolduc: I have made a thorough study of public administration in Canada since 1867, including the reports of the Rowell-Sirois commission and others. You will find that where jurisdiction is not clear, where there is hesitation because governments were more conservative at the beginning of one century or the end of another, the federal government starts out by saying that it will do research. After some time has passed, it sends the results of its research to the provincial governments for their information. The federal government tells itself that since the provincial governments are not reacting, it will set standards, create an inspection unit, perhaps a few standards, then inspection for compliance and, finally, the jurisdiction becomes federal.

Half of the existing federal public policies began in this way. That is the administrative history of Canada, on which I am very well versed.

[English]

Senator Grafstein: May I ask a simple question?

The Hon. the Speaker: Will you permit a question, Senator Bolduc?

Senator Bolduc: Yes, of course.

Senator Grafstein: I could not agree more with the honourable senator that exaggerated bureaucracies are not the solution. An inflationary intervention by the federal government is not the solution. We are talking here about an existing regime. Whenever the Province of Quebec, the Province of Ontario and the Province of New Brunswick — as it did just last month — run into problems, they refer the matter to the research facilities at Health Canada.

Senator Bolduc: In certain cases, yes.

Senator Grafstein: Having said that, would the honourable senator not agree that Europe is a more complicated space than Canada, and, notwithstanding that, the EU decided in Brussels to have a commission oversight on all water, not to displace the provincial governments, and that the same decision was made in the United States? They decided to do that for exactly the same reason.

The honourable senator and I have travelled extensively through Europe together.

Senator Bolduc: As well as the U.S.

Senator Grafstein: Will the honourable senator not agree that, if the United States and the EU have set up this oversight provision, that we can do it better than both of them at less cost and more effectively?

[Translation]

Senator Bolduc: There are 50 states in the United States. There is not just Texas, California, New York State, and Florida. There is Wyoming and Montana as well.

• (1740)

So they may have decided to develop national standards, but that is their problem. For most of Canada, the provincial services are fine.

If you ask experts in the field if the standards are high enough, they will answer that health standards are never high enough, they will say that there is no limit. That is why we are in the hole and the system is in trouble! In the health care system, there are perverse incentives. I can tell you that it is not by pouring money into the system that we are going to solve the problem. We need to change the incentives, there is no other way. Costs are rising 7 per cent, 8 per cent and 10 per cent every year.

There may be cases of this in Canada. Earlier I gave you the example of the problems in areas where Aboriginals live. These lands were under federal jurisdiction, and still the problem was not solved. Do you believe that the federal government will solve the other problems? I do not think so.

If the province of Prince Edward Island, with its population of 150,000 residents, has a serious problem and needs help, and turns to Ottawa, it has the right to do so. I have nothing against this, but we must not require everyone to do so.

It is like telling me that people in Ottawa, in the city of Ottawa, are better than people in Montreal, Toronto or Vancouver. Really now! There are scientists throughout the country. There are some in Calgary and Edmonton. We are not in some out of the way place here. We have to be practical and realistic. I think you are introducing a formula whereby there will be one more area of federal activity. There is no guarantee that it will be effective.

[English]

Some Hon. Senators: Question!

The Hon. the Speaker: Is the house ready for the question?

Hon. Senators: Agreed.

The Hon. the Speaker: It was moved by the Senator Lynch-Staunton that Bill S-18 be not now read a third time but be referred to the Standing Senate Committee on Legal and Constitutional Affairs, so that it may review the bill in light of the remarks made by Senator Bacon on April 16 and those by Senator Beaudoin made today concerning the effect of the division of power set out in the Constitution Act, 1867 on this bill.

Honourable senators, is it your pleasure to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

Motion agreed to, on division, and bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

Senator Grafstein: Honourable senators, we were at third reading and we were dealing with an amendment that was defeated, on division. I assumed that we would then move

An Hon. Senator: The motion was agreed to, on division.

Senator Grafstein: Honourable senators, I apologize. I misread the motion. I do not mean to question His Honour, but I heard more "nays" than "yeas" prior to division. I heard a very strong "nay" on this side. Perhaps we should revert to the motion and, if we cannot agree, we could have a standing vote.

The Hon. the Speaker: Senator Grafstein, your Point of Order would require unanimous consent.

Honourable senators, Senator Grafstein has asked for leave to revert. I am inclined to give him that opportunity.

Senator Grafstein: Honourable senators, when the question was put, I heard more "nays" than "yeas."

Senator Lynch-Staunton: This is not a Point of Order. The honourable senator is contesting the Speaker's ruling.

Senator Grafstein: Honourable senators, I request leave to revert to the question on the motion in amendment so that we may have a standing vote.

The Hon. the Speaker: Is leave granted, honourable senators?

Some Hon. Senators: No.

Hon. Anne C. Cools: One cannot revert in these circumstances even with unanimous consent. This is not a matter that can be determined by unanimous consent. The honourable senator is seeking to overturn a motion. The proceedings have moved on. It would require more than unanimous consent to overturn a motion.

The Hon. the Speaker: Senator Cools, in that the matter is disposed of, I will ask the chamber to move on to the next item of business.

[Translation]

PEST CONTROL PRODUCTS BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-53, to protect human health and safety and the environment by regulating products used for the control of pests.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Robichaud, bill placed on the Orders of the Day for second reading two days hence.

BILL TO REMOVE CERTAIN DOUBTS REGARDING THE MEANING OF MARRIAGE

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cools, seconded by the Honourable Senator Wiebe, for the second reading of Bill S-9, An Act to remove certain doubts regarding the meaning of marriage. —(*Honourable Senator LaPierre*)

Hon. Marisa Ferretti Barth: Honourable senators, I rise today to speak before this House in support of Bill S-9, which has been introduced by Senator Anne Cools to define the word "marriage." The bill is designed to remove any ambiguity about the meaning of the word "marriage," by spelling out clearly that it must be celebrated between a man and a woman.

Unfortunately, society has a tendency today to forget the importance of marriage. It is more than the simple union between two people. Marriage is the public joining together of a man and a woman who want to found a family, to have children and so ensure that the family will continue into future generations.

Marriage is so important that the Constitution Act required any law relating to marriage to come under federal jurisdiction. To this day, it has never been necessary to define marriage, since this institution has been recognized by our society. The Marriage (Prohibited Degrees) Act has always told us that the persons targeted by these prohibited degrees do not have the right to get married. However, this act does not define the term "marriage," because so far it has never been necessary to define it.

Even the Supreme Court of Canada, in a 1995 decision, confirmed the importance of marriage. In *Miron v. Trudel*, Justice Gonthier recognized that marriage was a fundamental social institution.

Moreover, in *Egan v. Canada*, the Supreme Court confirmed, through Justice La Forest, what Justice Gonthier said regarding marriage. I would like to quote some very important excerpts of that decision:

Marriage has from time immemorial been firmly grounded in our legal tradition, one that is itself a reflection of long-standing philosophical and religious traditions.

However, its ultimate *raison d'être* transcends all of these and is firmly anchored in the biological and social realities that heterosexual couples have the unique ability to procreate.

• (1750)

Justice La Forest concluded by saying:

It would be possible to legally define marriage to include homosexual couples, but this would not change the biological and social realities that underlie the traditional marriage.

More recently, the British Columbia Supreme Court confirmed that marriage can only occur between a man and a woman. After reviewing the Marriage Act and the case law, Justice Pitfield

concluded that marriage is only between a man and a woman and that this reality does not go against our Charter of Rights and Freedoms.

It is obvious that, throughout history and the peoples, the rules and customs of the celebration of marriage have changed and evolved, but one thing has not changed: marriage is the institution that builds the family and it is the family that allows societies to exist and to continue to exist. This is how nature created the world.

Most of the great religions and civilizations of our world are based on these principles. There are a multitude of examples. We could look at the Bible, a holy book for several religions. In the first pages of Genesis, we read that the union of a man and a woman was sanctified by the blessing of God.

Marriage is not just a simple union or contract between two people. It involves a sacred or spiritual element. This sacred element can be found already in the most ancient civilizations, including Greece and Rome. The Catholic Church declared marriage a sacrament at the Council of Verona in 1184.

Long before the founding of Canada, both the Protestant and the Catholic churches had established that marriage was an exclusive union between a man and a woman who freely agreed to become one flesh so that they could have children and provide each other with "mutual society, help and comfort." Throughout Canadian history, the Christian concept of marriage has occupied an important place, and still today is one of the foundation stones of Canadian society.

In certain other religions, voluntary celibacy is looked down on. The family is the basic unit and marriage has the primary characteristic of ensuring the perpetuation of the ancestral line.

It goes without saying that the rights of same-sex couples are now protected in Canada's own Charter. The Canadian government gave the necessary rights to same-sex couples in 1999, by changing the definition of the word "spouse" to include a person of the same sex.

Now is the time to protect marriage, traditional families, and in particular our children and our children's children. We must keep the traditional model of the family — a father, a mother and children — for the sake of the children.

I would like to conclude with the thoughts of Monseigneur Bertrand Blanchet, Bishop of Rimouski, who said that marriage has for centuries represented a unique symbolic whole implying a number of realities, including sexual difference, the ensuing language of bodies, a special communication of spirit and heart, a creative force open to the gift of a new life.

Honourable senators, Bill S-9 would allow us to preserve these essential realities for humanity. I therefore ask you, with all due respect, why question principles solidly anchored in our traditions?

On motion of Senator Robichaud, for Senator Jaffer, order stands.

[English]

TRIBUTE TO PAGES ON DEPARTURE

The Hon. the Speaker pro tempore: Honourable senators, I should like to take a moment to recognize the pages who will be ending their time here.

[Translation]

Pierre-Philippe David, from Whitby, in Ontario, is a University of Ottawa graduate, with a Bachelor of Arts degree in English. Pierre-Philippe will study at the Faculty of Education at Laurentian University, in September 2002, to prepare for a teaching career.

[English]

Emma Orawiec of Aylmer, Quebec will be returning to McGill University this fall to complete her degree in physiology with a minor concentration in international development studies. Upon graduation, she hopes to further her studies by pursuing a degree in law. She has enjoyed her experience with the Senate Page Program and believes that the time spent here will help to enrich her further endeavours.

Once again, thank you for your dedication.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

THIRTEENTH REPORT OF COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Austin, P.C., seconded by the Honourable Senator Bryden, for the adoption of the thirteenth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (time allotted to tributes in the Senate), presented in the Senate on May 2, 2002.—(*Honourable Senator Stratton*).

Hon. Terry Stratton: Honourable senators, I should like to speak very briefly to the issue regarding tributes.

I have been here over nine years now — amazing how time flies — and I have witnessed many tributes, and I recognize their importance. I believe that it is critical that we continue to follow that procedure.

However, we have put a fence around Senators' Statements, to the extent that we allow only a certain length of time for senators to make their statements, and I think that is appropriate, because I simply do not think it is proper that the business of the Senate, which is further down on the Order Paper, cannot be dealt with until tributes have been concluded, and those may go on for hours.

The important issue to keep in mind is that both tributes and the business of the Senate are important items. Senator Atkins, as in his tribute to Senator McDonald, demonstrated that an inquiry is a wonderful way to deal with tributes.

The question is: What happens if you have family here waiting to get to the item? The expectation that family would probably be here for the day. At the appropriate time, a message could be sent to them to call them into the chamber when the inquiry has been reached. Alternatively, tributes could be made after the Orders of the Day. Honourable senators, the business of the Senate, the Orders of the Day, must take priority.

I realize that it is late in the day, so I will conclude with that comment.

I would ask to adjourn the debate, at his request, in the name of Senator Sparrow.

On motion of Senator Stratton, for Senator Sparrow, debate adjourned.

• (1800)

The Hon. the Speaker pro tempore: Honourable senators, it is now six o'clock. Is it agreed that I not see the clock?

Hon. Senators: Agreed.

NATIONAL SECURITY AND DEFENCE

BUDGET—STUDY ON HEALTH CARE SERVICES AVAILABLE TO VETERANS— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on National Security and Defence (budget—study on the health care provided to veterans), presented in the Senate on May 30, 2002.—(*Honourable Senator Meighen*).

Hon. Norman K. Atkins: Honourable senators, in the absence of Senator Meighen, I move the adoption of this report.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

[Translation]

SURVEY OF MAJOR SECURITY AND DEFENCE ISSUES

REPORT OF THE NATIONAL SECURITY AND DEFENCE COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the Fifth Report (Final) of the Standing Senate Committee on National Security and Defence entitled: *Canadian Security and Military Preparedness*, deposited with the Clerk of the Senate on February 28, 2002.—(*Honourable Senator Pépin*).

Hon. Lucie Pépin: Honourable senators, continuing in the same vein as Senator Atkins, I would like to come back to the last report of the Standing Senate Committee on National Security and Defence, which was well received.

I agree with a number of the conclusions in the fifth report of the Senate committee. Our armed forces are under pressure resulting from a lack of funding. The government must do something. National Defence's annual core budget must be increased in order to facilitate recruitment, in order to improve the state of readiness of Canadian Forces units, to acquire new equipment, and to increase defence research and development.

I also agree with the committee when it states that in working to improve our country's defence, we must listen to what is happening in the communities where the military and military families live. On this issue, the committee came up with some interesting solutions to problems related to quality of life in military communities.

There is room for improvement when it comes to quality of life in our military. This is a fact that is hard to refute. However, we must recognize the efforts that have been made to improve the situation. The pay and allowances of lower ranks have improved, which definitely has a positive effect on families. The recommendations contained in the report of the House of Commons on quality of life are gradually being implemented. However, despite all this, we must continue to pay particular attention to the overall quality of life in military communities.

On April 3, 2001, Senator Cohen tabled a report entitled "Unsung Heroes: A Quality-of-Life Perspective on Canada's Military Families." In this document, our former colleague drew our attention to the need to take action to help members of the Canadian Forces and their families to live in better conditions. Again, we thank her for drawing our attention to this critical issue, which is closely tied to the improvement of the morale of our troops.

Family violence within the Canadian Forces is one of the issues mentioned by Professor Deborah Harrison, who headed a team of researchers in May 2000. Professor Harrison found that violence against women was a serious problem within the military community.

This inquiry immediately aroused my concern. Subsequently, I expressed a desire, and I received a positive reply from Canadian Forces authorities, to meet with the wives of military members and their spouses to get firsthand knowledge of the problems, and to see the flaws that needed to be corrected. Military authorities also agreed to let me take part in the action plan specifically designed to deal with this issue. This action plan was a follow-up on Professor Deborah Harrison's recommendations.

The Canadian military hierarchy, which I thank, was most helpful last summer when I toured the bases in Halifax, Esquimalt, Greenwood, Edmonton, Valcartier and Winnipeg. During this tour, I spent my time meeting the spouses of members of the military and the staff of the resource centres for families.

As I had pledged to do, I included my findings and suggestions on the tension and heartbreak within military families in the report that I would like to table today, with the authorization of the Senate. This report, which is a summary of these visits, deals with the situation of the spouses of military personnel. I also took an interest in the work of the resource centres, the problems relating to bilingualism and the issue of housing.

This tour of the military bases made me realize that there is a lot to do in this area, but I also realized that the Armed Forces were doing something about it. They are putting a lot of effort into eliminating family violence and improving the families' quality of life.

There are still problems, however, as I have said in my report. In particular, the fact that the women still hesitate to use battered women's services. A number of the ones I met indicated that they feared confidentiality would not be respected by the staff involved in family violence cases. Some told me they knew of incidences of breach of confidentiality, which is hardly reassuring.

Some of the military wives said they were not particularly comfortable with the idea of confiding in someone who was required to report all incidents to his or her superior.

I noted that there were shortcomings in the psychological support offered to victims of violence. Six consultations with a therapist were available to them. Thereafter, either the treatment was over, or they had to see a new therapist at their own expense. From my conversations, we reached the conclusion that it was totally unrealistic to limit the number of therapy sessions. These conditions did very little to improve victims' clinical status, particularly when one is aware of the extent of follow-up required by victims of family violence. On this point, as well as all others raised in my report, I made some suggestions to the military.

As you will see from my report, I was particularly affected by the situation of the military wives. I must acknowledge that the Canadian Forces do seem aware of the multiple sacrifices demanded of families. The hierarchy acknowledges that their living conditions are unique and that this sometimes leads to serious concerns, on the career, personal and emotional levels. To help them cope, a large number of programs and support or self-help services have been made available.

Military spouses do not have an easy life. One really has to meet them and listen to what they have to say, in order to realize the demands on them day in and day out.

None of us can ignore the impact of long periods of absence, of family separations. This is particularly true with an army such as ours, which is under-staffed and yet subject to regular deployment to a number of different theatres of operations.

These numerous changes of assignment, which are part and parcel of military life, place the military spouses in the position of being the pivotal figure in the home. In many cases, during the member's absence, his wife has to shoulder all of the family responsibilities, raise the children and so on. You can well imagine the difficulties if both spouses belong to the military.

In addition, a number of those with whom we spoke said that the frequent moves were not without an impact on their family life.

When a member returns from mission, it is not unusual to hear partners who are not in the service say that the returning partner is no longer quite the same as before. Serious communication problems, and many other complications related to a foreign posting of one of the partners, make it difficult for couples to "reconnect."

Some of those with whom we met criticized the fact that there was no real transition upon their return from mission. They return to their families or their place of residence, as though the life they led before heading off on mission had never been interrupted. According to those with whom we met, divorce or separation is often the only solution to these situations.

The frequent moves and long-term instability experienced by members of the Canadian Forces make it impossible for both partners to have their own professional lives.

Isolation is one of the other major difficulties encountered by spouses of members, several of whom are young and living far from their families and friends, with whom they do not have regular contact.

Many civilian wives told us that when their husband was on assignment, there would be nothing nicer than a little courtesy visit to their families to recharge their batteries before resuming the daily routine.

• (1810)

The often significant distance that separates non-military spouses from their family and friends when their military spouse is away for a long period of time gets them down.

Since Senator Cohen told us that some people were dissatisfied with the military family resource centres, I became interested in the work they do.

I heard otherwise about these centres. The feedback from people who use the centres was rather positive. Senator Cohen's report had an impact. Some of the spouses told me that the centres helped their families on military bases, which they considered to be an intimidating and masculine environment. The warm and reassuring ambience of these facilities was a contrast to the military facilities, and helped them break their sense of isolation, because they met other women with whom they shared similar concerns. In recent years, the resource centres have also done a great deal to help eradicate family violence in the military.

However, like all work of this type, there is always room for improvement, particularly when it comes to getting information out, because even though information kits are distributed to new military families, not everyone is aware of the services that the family centres provide.

Linguistic and cultural barriers compound the problems that military spouses experience, thereby increasing their feelings of isolation and loneliness. The linguistic barrier combined with geographic isolation further complicates their integration into their new environment.

On most of the bases that we visited, we noted that resource centre staff were able to provide basic services in the second language. However, many spouses who are not fluent in the majority language of the residents of the base continue to experience difficulties with their social integration.

In closing, there remains a great deal to be done. There is no shortage of will. On the contrary, I was told, and I felt this during my visits, that the military wants things to work well and for members of the military and their families to have a good and harmonious life.

Military authorities know that this is a major challenge and that there is no quick fix. The military itself is a large family that must not compete with the civilian families of its personnel. The Canadian Forces realize that they need help to ensure that the changes required to reconcile the civilian and military worlds are made in a harmonious manner. My intention when I got involved in this issue, in fact, was to contribute to the effort being made by the Canadian Forces.

Let us not forget that it is civilians and military personnel together who will succeed in providing our army with the necessary tools to fulfil the noble task of protecting the sovereignty and security of our country.

It is also together that we must give wives, spouses and families the resources necessary for a quality of life within the military community.

With leave of the Senate, I would like to table my report, which could be appended to the report of the Standing Senate Committee on National Security and Defence.

The Hon. the Speaker pro tempore: Honourable senators, is leave granted to table this report?

Hon. Senators: Agreed.

[English]

Hon. Norman K. Atkins: If no other senator wishes to speak, I move adoption of the report.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

On motion of Senator Robichaud, debate adjourned.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

ELEVENTH REPORT OF COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Austin, P.C., seconded by the Honourable Senator Fairbairn, P.C., for the adoption of the eleventh report of the Standing Committee on Rules, Procedures and the Rights of Parliament, entitled: *Modernizing the Senate Within: Updating the Senate Committee Structure*, presented in the Senate on March 20, 2002.—(Honourable Senator Di Nino).

Hon. Terry Stratton: Honourable senators, I rise to speak briefly to the eleventh report of the Standing Committee on Rules, Procedures and the Rights of Parliament. The mandate of the committee is to look at various aspects of the structure of committees. My frustration during the process is that we went beyond the mandate, to a degree. We wished to create rules where I do not believe they need to be created. They are, for the most part, in our customs. If the system is working, do we need to put the rules in writing?

I will give honourable senators an example. Recommendation No. 2 of the report states:

That, at the outset of each session of Parliament, a calendar agreed by party Whips be distributed to senators, indicating the days and times at which each Senate committee is regularly scheduled to meet during the parliamentary week; and that the Committee of Selection invite Senators to submit, to their Whips and to the Committee, lists indicating committee interests in order of priority...

We already do that, honourable senators. It is already happening. It exists. Why create a rule for which there is no need? That frustrated me beyond mention. Such a rule is not needed. Before we know it, we will have a rule on how to come through the door. It is a custom. Live with it, please.

Recommendation No. 3 states:

That committees not meet outside their assigned time periods during weeks when the Senate sits, unless prior agreement from the party Whips is obtained or, in the absence of agreement, a Government motion has been moved and concurred in by the Senate.

Are we not already doing that? If we do not, it is the discipline of the committee to ensure that we do not meet outside of the time slots. The time slots are precious and senators have conflicts. A chairman cannot conveniently, on a whim, want to meet here or there — the steering committee should decide that. We do not need a rule. I am frustrated, and I cannot and will not agree to such a rule.

The Rules Committee also dealt with the creation of subcommittees. We are taking too much away from the committees in the creation of subcommittees. The recommendation is that if we want to create a subcommittee, we have to come to the floor of the Senate for approval. When one wears the hat of a whip in an opposition with diminishing numbers, one tends to agree with that assertion. The other point deals with the summoning of witnesses. At the moment, committees have the power to summon witnesses without having to come to the floor of the Senate for approval. I believe that practice should continue. I do not think we should have to come to the floor of the Senate to request permission because we had to go to the extreme of summoning a witness. I really feel that the committee should have that power.

Those are basic complaints I have with this report, honourable senators.

On motion of Senator Stratton, for Senator Di Nino, debate adjourned.

• (1820)

SCRUTINY OF REGULATIONS

BUDGET—REPORT 6-A OF JOINT COMMITTEE ADOPTED

The Senate proceeded to consideration of report 6-A of the Standing Joint Committee of the Senate and the House of Commons for the Scrutiny of Regulations (budget—travel to

Toronto to attend conference), presented in the Senate earlier this day.

Hon. Wilfred P. Moore: Honourable senators, earlier today, I presented report 6-A of the Standing Joint Committee of the Senate and the House of Commons for the Scrutiny of Regulations. As I mentioned in my earlier remarks, a conference entitled "Red Tape to Smart Tape" is being held in Toronto September 25 to 27 of this year. The total budget for the conference is \$23,300. The House of Commons will provide 70 per cent, \$16,310, and the Senate portion would be the other 30 per cent, which amounts to \$6,990. We have received the approval of the Standing Committee on Internal Economy, Budgets and Administration with respect to the sum.

Honourable senators, I move the adoption of the report.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

RECOGNITION AND COMMEMORATION OF ARMENIAN GENOCIDE

MOTION ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Maheu, seconded by the Honourable Senator Setlakwe:

That this House:

(a) Calls upon the Government of Canada to recognize the genocide of the Armenians and to condemn any attempt to deny or distort a historical truth as being anything less than genocide, a crime against humanity.

(b) Designates April 24th of every year hereafter throughout Canada as a day of remembrance of the 1.5 million Armenians who fell victim to the first genocide of the twentieth century.—(*Honourable Senator Lynch-Staunton*).

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, with your permission, as I am speaking, I should like to have distributed a slightly revised text of this resolution. I want the revised text distributed so that senators can appreciate the amendment I will propose.

The problem that others and I have had with this proposal is not so much with the intent but, rather, with the way it is worded, particularly, in paragraph (b). Paragraph (a) calls upon the Government of Canada to recognize the genocide of the Armenians. Paragraph (b) asks this house to designate April 24 of every year to mark that tragic event.

It seems to me there is no consistency between those two paragraphs. First, this chamber has no authority to designate days. It can do so, but it has no force of law. It is just a good wish,

a good intention, but it stops here. Days are designated either by Order in Council, or by private bills, or by an international organization to which Canada belongs. Automatically, that day or month or year marking a certain event or individual then goes on the official calendar, but the Senate itself cannot do so.

The recommendation I should like to make is to keep the first paragraph as it is, with a slight repositioning of the words. This chamber would ask the Government of Canada both to recognize the event and to designate the day. That is its responsibility. If the Government of Canada does not recognize the event, our designating the day takes on even lesser importance.

MOTION IN AMENDMENT

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I move, seconded by Senator Atkins:

That Motion 44 be amended to read as follows:

That this House calls upon the Government of Canada:

(a) to recognize the genocide of the Armenians and to condemn any attempt to deny or distort a historical truth as being anything less than genocide, a crime against humanity, and

(b) to designate April 24th of every year hereafter throughout Canada as a day of remembrance of the 1.5 million Armenians who fell victim to the first genocide of the twentieth century.

I hope this minor change in wording will give the resolution much more impact, while respecting the intent of both the proposer and the seconder.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: Agreed.

Senator Milne: On division.

Motion in amendment agreed to, on division.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion, as amended?

An Hon. Senator: On division.

Motion agreed to, on division.

THE SENATE

COLUMBIA—RESOLUTION OF CONCERN OVER VIOLENT EVENTS AND RECENT THREATS TO DEMOCRACY—MOTION ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Andreychuk:

That:

Recognizing the important efforts made by the Colombian government to seek a lasting peace for the people of Colombia;

Regretting the breakdown in the peace process;

Stressing that the protection of Colombia's civilian population remains a primary concern;

Noting that the intensification of violence since the breakdown in the peace negotiations between the Government of Colombia and the Revolutionary Armed Forces of Colombia (FARC) is seriously undermining the legitimacy of the electoral process; and

Considering that attacks by the armed actors, including the abduction of Presidential candidate Ingrid Betancourt on February 23, 2002, and plots to assassinate other leading candidates, are compromising the democratic process in Colombia;

The Senate of Canada

Expresses concern regarding the violent events and recent threats to democracy in Colombia;

Urges the Revolutionary Armed Forces of Colombia (FARC) for the immediate and unconditional liberation of all hostages that remain kidnapped, including Mrs. Betancourt and her assistant Clara Rojas; and

Calls on all parties to respect their obligations under international humanitarian law and to take steps leading to a negotiated and just peace, that will provide a secure future for all Colombians and end the armed conflict; and

That a Message be sent to the House of Commons informing that House that the Senate has passed this Resolution and requesting that House to unite with the Senate therein;

And on the motion in amendment of the Honourable Senator Andreychuk, seconded by the Honourable Senator Hervieux-Payette, P.C., that the motion be amended by adding after the last paragraph the following:

That the Speaker of the Senate transmits this Resolution to the following authorities:

1. The Canadian Ambassador to Columbia
2. The Canadian Ambassador to the Organization of the American States—OAS
3. The President of the Columbian Senate.—(*Honourable Senator Cools*).

Hon. A. Raynell Andreychuk: Honourable senators, the Honourable Senator Cools has yielded to me on this issue, and I wish to make some comments. First, I should like to thank the honourable senator for her kindness and for understanding the issue that is involved in the content of this subject matter.

As honourable senators know, there has been a change of leadership in Colombia. A new president is in place, but the issues continue in Colombia. They are issues that face not only the population of Colombia, but also are of consequence to every country that has any dealings with Colombia. Unfortunately, the illegal aspects of dealings in Colombia have touched each country in the world.

It is important at this time, when there is a new president in place, that this resolution is passed by this chamber. It is not one that has the kind of consequence that needs intense study. We are worried that there has been a breakdown of the peace process and that civilians are generally caught between the government of Colombia and the revolutionary armed forces of Colombia. This motion attempts to give some attention to those civilians and to give honest support from this chamber that the peace process is the only way out of the issue in Colombia.

• (1830)

It is expressing our concern for these issues and the recent events that continue to threaten democracy in Colombia. We are calling on all parties to respect their obligations under international humanitarian law and to take steps that will lead to the negotiation table again so that a just and perhaps secure future will be what Colombians will achieve.

As Colombia readjusts its government, this is an opportune time for the revolutionary forces to reconsider their actions and for the new government to renew its efforts to attempt to bring this issue into some perspective. It cannot go day-by-day, year-by-year, and decade-by-decade. Therefore, I would ask this honourable chamber to now pass this motion.

The Hon. the Speaker *pro tempore*: Is the house ready for the question?

Hon. Joseph A. Day: Honourable senators, are we voting on the motion or on the motion in amendment? I do not believe the amendment has been passed.

Senator Andreychuk: I thank the honourable senator for that observation. I am not a procedural expert. I will ask His Honour whether we will vote on the amendment first and then on the motion. If that is the case, then I will sit down.

The Hon. the Speaker *pro tempore*: Honourable senators will vote on the motion in amendment first. If the amendment passes, we will vote on the motion as amended.

On the motion in amendment, is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Senator Cools: On division.

Motion agreed to, on division.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the main motion as amended?

Some Hon. Senators: Agreed.

Senator Cools: On division.

Motion agreed to, on division.

STATUS OF PALLIATIVE CARE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cordy calling the attention of the Senate to the status of palliative care in Canada.—(*Honourable Senator Prud'homme, P.C.*).

Hon. Marcel Prud'homme: If honourable senators will permit, I would request that we keep this inquiry in my name.

Senator Carstairs will find a great ally in me. Some of you know that I lost my brother two weeks ago. He is number 10 out of 12. I have only a sister now.

I want to acknowledge the unbelievable care my brother received for the last month and a half of his life by Notre-Dame-de-la-Merci in Montreal. This incredible palliative care helped us to get through to a very private funeral. That is why I made no announcement.

At the appropriate time, I should like to speak longer to this important motion, which I know is very dear to Senator Carstairs, which was put forward by Senator Cordy. Should that opportunity not arise, then perhaps we will reintroduce the motion. That may be the way to go.

My brother received exceptional treatment. Since a private funeral was held, I would take this opportunity to thank those people who called me to express their condolences. My brother asked that matters be kept private as long as possible. Now that it is all over, I would thank all members.

I am a strong supporter of the the views expressed by Senator Carstairs.

On motion of Senator Prud'homme, debate adjourned.

PALESTINIAN TERRITORIES

HUMANITARIAN SITUATION—INQUIRY— DEBATE ADJOURNED

Hon. Marcel Prud'homme rose pursuant to notice of April 17, 2002:

That he will call the attention of the Senate to the humanitarian situation in the Palestinian Territories.

He said: In a gesture of cooperation in consideration of the long day, I would ask to keep this order in my name.

Please allow me, if we adjourn after this evening, to ask senators to pay attention to the unbelievable humanitarian situation in the Palestinian territories that is going on at the moment. I do not beg, as I am a Canadian.

The situation there is getting worse. By the time we return, if we leave tonight, we may be involved in a world crisis just because we have not paid enough attention to a profound humanitarian situation which is taking place in the Palestinian territories. Accordingly, I ask that this matter be adjourned in my name.

On motion of Senator Prud'homme, debate adjourned.

UNITED NATIONS GENERAL ASSEMBLY SPECIAL SESSION ON CHILDREN

INQUIRY—DEBATE ADJOURNED

Hon. Landon Pearson rose pursuant to notice of May 30, 2002:

That she will call the attention of the Senate to the United Nations General Assembly Special Session on Children that took place in New York on May 8-10, 2002.

She said: Fully recognizing the lateness of the hour, I will be as brief as possible.

It is with considerable pleasure, honourable senators, that I rise today to report to you on the United Nations General Assembly Special Session on Children that took place in New York on May 8 to 10, 2002.

This session, which was more than three years in preparation, was an extraordinary opportunity for the international community to take stock of what has happened with respect to the goals set at the World Summit for Children in 1990, to look at emerging issues for children, and to chart the way ahead.

It was a privilege for me to represent the Prime Minister throughout the preparatory process and to be an alternate head of delegation to the Special Session itself. The Honourable John Manley, as Deputy Prime Minister, represented Canada on the podium of the General Assembly. The Honourable Susan Whelan, Minister of International Cooperation, took an active role in a number of events, some concerned with war-affected children, others with new initiatives related to nutrition. The rest of the delegation, made up of members of Parliament, LGen. Romeo Dallaire, representatives from four provinces including Quebec, federal officials responsible for negotiations, representatives from non-governmental organizations, and five remarkable young people, was energetic and hard-working. Each delegate made a substantial contribution in his or her own way. I believe as Canadians we can once again be proud of our constructive presence at the United Nations.

There were three distinct strands to the Special Session. The first was the outcome document: "A World Fit for Children," adopted by the General Assembly in the early hours of Saturday, May 11. This document engaged member states in prolonged negotiations over the course of many months, negotiations that continued within an ad hoc committee of the General Assembly up until the very last moment of the Special Session.

The second strand was what took place in the General Assembly itself, the ceremonial opening and closing, with all the formal statements and discussions in between, as well as the three official round tables, each one involving one-third of the heads of state of government or other national leaders who were present at the session.

The third strand consisted of the numerous panels, meetings and celebrations that took place on and off United Nations premises, including six remarkable intergenerational dialogues between ministers, prime ministers, presidents and even kings and queens, and the children from their representative countries grouped by region.

Let me describe each of these three strands in turn. The negotiations on the outcome document, "A World Fit for Children," were, to say the least, challenging, and absorbed much of our energy.

Since this document had to be adopted by every member state of the United Nations, and since its collective effect would be seriously weakened by anything short of consensus, all points of view had to be accommodated. Initially, before the substantive sessions of the preparatory committee began, UNICEF, the designated secretariat for the Special Session, miscalculated the process and provided us with a working document that reflected an agenda that it had decided upon without broad consultation with member states.

However, once the General Assembly established the preparatory committee and selected the bureau, the steering committee, comprising representatives from each of the five regions of the world as the UN defines them, and chaired by Ambassador Patricia Durant from Jamaica, the tension between UNICEF's vision and what the member states would accept became increasingly apparent and negotiations on new wording began.

The document was restructured. Input was solicited from regional preparatory committee meetings. Canada played a major role in the hemispheric meeting that was held in Jamaica in October 2000. Slowly, over the course of three preparatory committee meetings and several intersessionals held in New York, the final shape of "A World Fit for Children" emerged.

The Special Session had originally been scheduled to take place in the week following the events of September 11, 2001, at which time the Prime Minister himself would have attended. Naturally, it was postponed.

• (1840)

Negotiations were then suspended, although a number of paragraphs remained unresolved. When they were resumed at the end of April 2002, there were still a number of outstanding issues, notably with respect to language referring to the Convention on the Rights of the Child, which the United States is virtually alone in not ratifying, reproductive health and services for adolescents, as well as the definition of the family. These issues kept our negotiators steadily at the table from April 29 onward, including overnight on May 9, in order to produce a consensual document available for adoption by the General Assembly in special session before the session was brought to an end in the early hours of Saturday, May 11.

Was this enormous effort, to which I, and especially our government negotiators, devoted so many hours, worthwhile? The answer is "yes." Of course we compromised. Some of the rights language is not as strong as Canada would have liked and

agreements previously reached at conferences like Beijing and Cairo about reproductive health and services and the rights of adolescent girls have lost some of their strength, much to Canada's regret. We expressed this regret formally when the document was adopted.

Nevertheless, overall, "A World Fit for Children" is a focused and practical document that makes a number of key advances on priority issues for children. It contains clearly-stated goals and puts forward a list of the strategies and actions that will be needed to attain them. All countries have now committed themselves to action. Along with the other nations of the world, Canada has agreed to be held accountable for actions in four specific areas: Promoting healthy lives; providing quality education; protecting against abuse, exploitation, and violence; and combating HIV/AIDS.

Canada has also agreed to work in partnership with children and youth themselves as well as with parents and families, local governments, parliamentarians, non-governmental organizations, the private sector, religious leaders, the mass media, UN bodies and multilateral agencies, and all the people who work directly with children.

Finally, we have agreed to develop some form of action plan or detailed national response with specific, time-bound and measurable goals and targets that we are required, if possible, to submit to the Secretary-General by the end of 2003.

The second strand of the special session was made up of two sorts of official meetings. The first sort, the meeting in the General Assembly chamber, opened with two young girls, 13-year-old Gabriel Azurduy Arrieta, from Bolivia and 17-year-old Audrey Cheynut, from Monaco, delivering the statement from the three-day Youth Forum that preceded the special session. In this statement, "A World Fit for Us," the 350 children and youth from all over the world who gathered in the Manhattan Centre reminded us that a world fit for them would be a world fit for everyone, and that "until others accept their responsibility to us, we will fight for our rights." Secretary General Kofi Annan's speech, in which he spoke directly to the young people in the hall, echoed their appeal.

After the opening ceremony, the General Assembly devoted three days to national statements and to statements by UN agencies, such as the International Labour Organization. The length of a nation's statement usually appeared to be in inverse ratio to the size of that country's population, and since every member state wanted to speak about its children, it took a very long time for all the speeches to be delivered.

Deputy Minister John Manley gave Canada's national statement on Thursday, May 9, towards the end of the afternoon. It was much applauded by the Canadian delegation, especially by our young delegates, who had been invited to sit at the Canada desk.

Mr. Manley said:

I am proud to stand here today on behalf of Canada's Prime Minister and the people of Canada to renew and reaffirm our commitment to the rights and well-being of children as we did 11 years ago at the first World Summit on Children. That this gathering for children was delayed by seven months because of terrorist attacks just blocks away,

only gives greater impetus to our mission of ensuring a better world for the next generation.

Mr. Manley went on to list some of the challenges confronting the world's children, noting that, in spite of our prosperity as a nation, too many children in Canada are also suffering. He spoke of the need for a strong Canadian response to these challenges to provide a road map to the future. He then described Canada's international actions on behalf of children, major contributions made to the elimination of micronutrient malnutrition, our commitment to fight against HIV/AIDS, our work related to war-affected children, the Ottawa Treaty on Landmines, the statute on the International Criminal Court, the Optional Protocol on the Involvement of Children in Armed Conflict, the Winnipeg Conference on War-Affected Children and our support for girls' education in Africa and Afghanistan.

He concluded by stating:

We have before us the largest and youngest generation that the world has ever known... no less than the survival of the planet... depends on the extent of the protection and respect we accord our children.

During the rest of the session, the Canada desk in the General Assembly was always occupied. However, numbers were small until the final moments early Saturday morning when several delegation members returned to be present for the adoption, by consensus, of "A World Fit for Children" and for the brief closing ceremony.

The three roundtables held on the theme "Renewal of Commitment and Future Action for Children in the Next Decade," comprised the other official component of the special session. In order to encourage frank and uninhibited dialogue, the General Assembly decided to close the roundtables to the media and general public. Canada took part in the roundtable on Thursday, May 9, co-chaired by President Taija Halonen of Finland, and President Vicente Fox of Mexico. Two young people opened this event. Marie-Claire Umuhoza, of Rwanda, said:

I am the voice of all the children who have suffered throughout the world... You are members of mankind — why have you let these things happen?

Toukir Ahmet, of Bangladesh, said:

Give us, your children, a good today. We will, in turn, give you a good tomorrow.

More than 50 speakers then took part in the meeting that stretched for nearly four hours and the speakers' list included a number of child delegates, speaking with their country representative. I shared Canada's time with 17-year-old Candis Clarke, from Saskatoon, who spoke about child and youth participation.

Both President Fox and President Halonen occasionally sat back to allow their own child delegates to take their places. They appeared to be only 12 or 13, but when they spoke, their voices were clear and authoritative.

The third strand of the special session was made up of all the parallel events that took place at the UN, UNICEF House, Church House, the Beekman Towers, and other nearby sites. It was at these events that Canada's priorities were most visible.

The meaningful participation of children and youth was the first priority on which the Prime Minister and I agreed at the very beginning of the special session process. Our success was beyond all expectation. At the first substantive preparatory meeting, we were the only country to bring two young people to New York as full delegates. Then we had to work hard, with the assistance of certain like-minded countries, to persuade all the other countries, as well as certain UN officials, that the presence of children at a special session about them would be an asset, rather than a liability. However, the idea caught on and, in the end, 132-countries brought children as full delegates. Most of them came before the session began, in order to spend three days with some other children and youth from accredited NGOs who were preparing themselves to be full participants. This youth forum was coordinated by Save the Children Alliance and UNICEF, but within the space that had been created for them, the youth soon took charge and decided on all the roles that they would play at the special session itself, choosing who would do what, and preparing their declaration, "A World Fit for Us."

I have already described the impact of their contribution to the opening ceremony and the roundtables, but youth took part in virtually every other event as well. Former child soldiers were powerful panellists at the sessions on war-affected children; experiential youth spoke of their exploitation on the streets; a deaf young man from Venezuela used sign language to describe how the school system had discriminated against him. Children and youth were active everywhere in the halls and corridors of the UN, a critical mass among the adults, affecting the tone of every proceeding, rendering the discourse authentic.

I was privileged to attend a remarkable, intergenerational dialogue between young delegates from Latin America and the Caribbean and political leaders from their countries. The young people were respectful, but their questions were pointed: "Why don't you have enough schools for us?" "What are you doing about HIV/AIDS?" "Why are some of you so rich and the rest of us so poor?" Most of the leaders tried to answer with as much honesty as they could muster. Some became truly engaged. The session was chaired by youth, as were many others. Adult support was present, but almost always discreet.

There was one other example of youth participation in the special session that I would like to describe, more in the traditional mode. This was the UNICEF concert held on the lawns of the UN where the Venezuelan youth orchestra and a massed children's choir welcomed the presentation to Nelson Mandela, who was there with his wife, Graça Machel, of 94 million pledges from around the world to the "Say Yes to Children" campaign, which they had jointly led.

A number of children accompanied by UNICEF ambassadors like Harry Belafonte and Roger Moore then recited the ten obligations of the pledge, starting with "Leave no child behind" and ending with "Respect the earth for children." These obligations form the core of the special session declaration.

Canada was represented at this celebration by Raffi and by 10 year-old Wesley Chu at the piano. Appropriately enough, the concert was entitled "A Celebration of Leadership: Change the World with Children."

The second priority for Canada at the special session was the promotion of the rights of children in especially difficult circumstances. We were particularly successful on behalf of war-affected children. The goals and objectives agreed to at the Winnipeg Conference were transferred virtually unchanged into the outcome document.

• (1850)

Two young participants from that conference attended the special session with CIDA funding. There were two panels on the issue during the special session itself, as well as an intergenerational dialogue with war-affected children. General Dallaire spoke to the prestigious Council on Foreign Relations about children in armed conflicts. The Security Council, meeting during the special session, took up the issue with young people present. Canada also pushed successfully, along with like-minded countries, for goals with respect to children with disabilities, sexually exploited youth, working children, Aboriginal youth and other marginalized children to be included in the outcome document. Then at the special session, Canada's sponsored and took part in an important workshop entitled "Preventing Discrimination against Children; Ensuring Inclusion of All Children." The workshop panel was chaired by a representative from the Canadian Association for Community Living, and one of our Canadian youth delegates from the Blood Reserve in Alberta also took part, speaking eloquently about discrimination against poor children.

Honourable senators, woven together, the three strands of the special session produced an event unparalleled in the history of the world's children. The World Summit on Children started the process in 1990, but it was a UNICEF event, not a UN one. Although its declaration agenda for action has guided action on behalf of the world's children ever since, the scope of that event was much narrower than the special session. A number of important children's rights, especially the child's right to participate, were not even addressed. However, the virtually universal ratification of the Convention on the Rights of the Child has made nations and people think differently about children. Sexual exploitation, child labour, war-affected children, children orphaned or infected with AIDS and child and youth participation have all risen on the public agenda in the 1990s, visible because they are now seen as essentially rights issues. The special session has crystallized the rights perspective, both by its words and its actions, and set a path from which we can never turn back.

Honourable senators, the African proverb, "It takes a village to raise a child," has been quoted so often now that although it remains true, it has become a cliché. However, after the special session, I believe we can also say that the reverse is true. Sometimes it takes a child to raise a village. Remember what the young people told us at the opening ceremony: A world fit for them would be a world fit for us all.

The Hon. the Speaker *pro tempore*: Senator Pearson, in the name of all Canadian children, we thank you for the work you do.

BUSINESS OF THE SENATE

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I know that my deputy will now move an adjournment which will mean that we will not meet in this chamber until September 17. Just before that, I want to offer some best wishes and "thank yous" to all members of this chamber.

I thank the leadership on the other side for their ongoing cooperation. Many of you who sit here do not understand that there is a daily meeting between Senator Kinsella and Senator Robichaud where they make things happen. Today is an example of where they really made things happen. On a daily basis, they meet in order to facilitate the work of this chamber. They do so in a spirit of good faith and goodwill.

I also thank my partner, the Leader of the Official Opposition. Along with Senator Kinsella and Senator Robichaud, he and I meet each Monday afternoon to try and bring some sanity to this chamber. The very fact that this chamber functions as well as it does is indicative of the harmony that usually exists at those meetings. Every now and then we agree to disagree, but generally, good things happen.

We could not function in this chamber without the work of the Table Officers, the translators and the reporters. The pages have a special part in our performance here, and a special role, a special spot in the hearts of all of us, as we like to think of them as the *crème de la crème* of young people in this country who are going on to greater and greater things.

Finally, honourable senators, I would like to say a very special thank you to my staff and those of Senator Robichaud and Senator Rompkey. I just popped into my office a short time ago, and they are all still working. It is not just honourable senators who put in time and effort; it is their staff, and not just my staff and that of Senator Robichaud and Senator Rompkey, but the staff of many of you as well. They go well beyond the call of duty. I am deeply grateful to all of them.

Have a good summer. We will see you back in September. My office will function all summer long. If you need me, they will find me for you.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I could save my remarks in case the motion to adjourn until some date in September does not pass, but just in

case, I should simply say that we on this side appreciate the professionalism of the Leader of the Government in the Senate and her colleague the Deputy Leader of the Government in the Senate. I associate our side with her words in thanking those who support us in the chamber and the many others who support us outside of the chamber.

Hon. Marcel Prud'homme: The only side that did not speak is my side, and it was not mentioned, but I am sure you all appreciated that the independents have not made your life more miserable by using and abusing the rules of the Senate. It is not my style to abuse the rules. I am happy to say that I did my bit of not abusing so that we could arrive at this happy conclusion. I join with what both of the leaders have said.

Hon. Senators: Hear, hear!

[Translation]

The Hon. the Speaker pro tempore: Honourable senators, on behalf of the Speaker, the Honourable Senator Hays, I would like to congratulate you on the fine work we have done. I thank all senators, including independent senators, table clerks, pages and interpreters.

ADJOURNMENT

Leave having been given to revert to government Notices of Motions:

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding Rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, September 17, 2002, at 2 p.m.

The Hon. the Speaker pro tempore: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, September 17, 2002, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(1st Session, 37th Parliament)
Thursday, June 13, 2002

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act respecting marine liability, and to validate certain by-laws and regulations	01/01/31	01/01/31	—	—	—	01/01/31	01/05/10	6/01
S 3	An Act to amend the Motor Vehicle Transport Act, 1987 and to make consequential amendments to other Acts	01/01/31	01/02/07	Transport and Communications	01/05/03 amended 01/05/09	3	01/05/10	01/06/14	13/01
S 4	A First Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	01/01/31	01/02/07	Legal and Constitutional Affairs	01/03/29	0 + 1 at 3rd	01/04/26	01/05/10	4/01
S 5	An Act to amend the Blue Water Bridge Authority Act	01/01/31	01/02/07	Transport and Communications	01/03/01	0	01/03/12	01/05/10	3/01
S-11	An Act to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other Acts in consequence	01/02/06	01/02/21	Banking, Trade and Commerce	01/04/05	17 + 1 at 3rd	01/05/02	01/06/14	14/01
S-16	An Act to amend the Proceeds of Crime (Money Laundering) Act	01/02/20	01/03/01	Banking, Trade and Commerce	01/03/22	0	01/04/04	01/06/14	12/01
S 17	An Act to amend the Patent Act	01/02/20	01/03/12	Banking, Trade and Commerce	01/04/05	0	01/05/01	01/06/14	10/01
S 23	An Act to amend the Customs Act and to make related amendments to other Acts	01/03/22	01/05/03	National Finance	01/05/17	11 + 2 at 3rd 01/06/06	01/06/07	01/10/25	25/01
S 24	An Act to implement an agreement between the Mohawks of Kanesatake and Her Majesty in right of Canada respecting governance of certain lands by the Mohawks of Kanesatake and to amend an Act in consequence	01/03/27	01/04/05	Aboriginal Peoples	01/05/10	0	01/05/15	01/06/14	8/01
S 31	An Act to implement agreements, conventions and protocols concluded between Canada and Slovenia, Ecuador, Venezuela, Peru, Senegal, the Czech Republic, the Slovak Republic and Germany for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	01/09/19	01/10/17	Banking, Trade and Commerce	01/10/25	0	01/11/01	01/12/18	30/01

S-33	An Act to amend the Carriage by Air Act	01/09/25	01/10/16	Transport and Communications	01/11/06	0	01/11/06	01/12/18	31/01
S-34	An Act respecting royal assent to bills passed by the Houses of Parliament	01/10/02	01/10/04	Rules, Procedures and the Rights of Parliament	02/03/05	4 + 1 at 3rd	02/03/19	02/06/04	15/02
S-40	An Act to amend the Payment Clearing and Settlement Act	02/03/05	02/03/12	Banking, Trade and Commerce	02/03/14	0	02/03/19	02/06/04	14/02
S-41	An Act to re-enact legislative instruments enacted in only one official language	02/03/05	02/03/20	Legal and Constitutional Affairs	02/06/04	5 + 1 at 3rd	02/06/11	02/06/13	20/02

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-2	An Act to amend the Employment Insurance Act and the Employment Insurance (Fishing) Regulations	01/04/05	01/04/24	Social Affairs, Science and Technology	01/05/03	0	01/05/09	01/05/10	5/01
C-3	An Act to amend the Eldorado Nuclear Limited Reorganization and Divestiture Act and the Petro-Canada Public Participation Act	01/05/02	01/05/10	Energy, the Environment and Natural Resources	01/06/06	0	01/06/12	01/06/14	18/01
C-4	An Act to establish a foundation to fund sustainable development technology	01/04/24	01/05/02	Energy, the Environment and Natural Resources	01/06/06	0	01/06/14	01/06/14	23/01
C-5	An Act respecting the protection of wildlife species at risk in Canada	02/06/12	02/06/13	Energy, the Environment and Natural Resources					
C-6	An Act to amend the International Boundary Waters Treaty Act	01/10/03	01/11/20	Foreign Affairs	01/12/12	0	01/12/18	01/12/18	40/01
C-7	An Act in respect of criminal justice for young persons and to amend and repeal other Acts	01/05/30	01/09/25	Legal and Constitutional Affairs	01/11/08 negated 01/12/10	11 1 at 3rd 01/12/13	01/12/18	02/02/19	1/02
C-8	An Act to establish the Financial Consumer Agency of Canada and to amend certain Acts in relation to financial institutions	01/04/03	01/04/25	Banking, Trade and Commerce	01/05/31	0	01/06/06	01/06/14	9/01
C-9	An Act to amend the Canada Elections Act and the Electoral Boundaries Readjustment Act	01/05/02	01/05/09	Legal and Constitutional Affairs	01/06/07	0	01/06/13	01/06/14	21/01
C-10	An Act respecting the national marine conservation areas of Canada	01/11/28	02/02/05	Energy, Environment and Natural Resources	02/06/05	0	02/06/12	02/06/13	18/02
C-11	An Act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger	01/06/14	01/09/27	Social Affairs, Science and Technology	01/10/23	0	01/10/31	01/11/01	27/01
C-12	An Act to amend the Judges Act and to amend another Act in consequence	01/04/24	01/05/09	Legal and Constitutional Affairs	01/05/17	0	01/05/29	01/06/14	7/01
C-13	An Act to amend the Excise Tax Act	01/04/24	01/05/01	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	15/01

C-14	An Act respecting shipping and navigation and to amend the Shipping Conferences Exemption Act, 1987 and other Acts	01/05/15	01/05/30	Transport and Communications	01/10/18	0	01/10/31	01/11/01	26/01
C-15 A	An Act to amend the Criminal Code and to amend other Acts	01/10/23	01/11/06	Legal and Constitutional Affairs	02/02/19	2 + 1 at 3rd 02/03/12	02/03/19	02/06/04	13/02
							Message from Commons agreeing with two amends. and disagreeing with one 02 04 24. Referred to Legal Cite 02 05 07. Report from Cite (Senate does not insist) adopted 02/05 09		
C-15 B	An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act	02/06/04	02/06/13	Legal and Constitutional Affairs					
C-17	An Act to amend the Budget Implementation Act, 1997 and the Financial Administration Act	01/05/15	01/05/30	National Finance	01/06/07	0	01/06/11	01/06/14	11/01
C-18	An Act to amend the Federal-Provincial Fiscal Arrangements Act	01/05/09	01/05/31	National Finance	01/06/12	0	01/06/12	01/06/14	19/01
C-20	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2001	01/03/21	01/03/27				01/03/28	01/03/30	1/01
C-21	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/03/21	01/03/27				01/03/28	01/03/30	2/01
C-22	An Act to amend the Income Tax Act, the Income Tax Application Rules, certain Acts related to the Income Tax Act, the Canada Pension Plan, the Customs Act, the Excise Tax Act, the Modernization of Benefits and Obligations Act and another Act related to the Excise Tax Act	01/05/15	01/05/30	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	17/01
C-23	An Act to amend the Competition Act and the Competition Tribunal Act	01/12/11	02/02/05	Banking, Trade and Commerce	02/05/02	1	02/05/09	02/06/04	16/02
C-24	An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts	01/06/14	01/09/26	Legal and Constitutional Affairs	01/12/04	0 + 1 at 3rd	01/12/05	01/12/18	32/01
C-25	An Act to amend the Farm Credit Corporation Act and to make consequential amendments to other Acts	01/06/12	01/06/12	Agriculture and Forestry	01/06/13	0	01/06/14	01/06/14	22/01
C-26	An Act to amend the Customs Act, the Customs Tariff, the Excise Act, the Excise Tax Act and the Income Tax Act in respect of tobacco	01/05/15	01/05/17	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	16/01
C-27	An Act respecting the long-term management of nuclear fuel waste	02/03/05	02/03/20	Energy, Environment and Natural Resources	02/06/06	0	02/06/13	02/06/13	23/02
C-28	An Act to amend the Parliament of Canada Act, the Members of Parliament Retiring Allowances Act and the Salaries Act	01/06/11	01/06/12				01/06/13	01/06/14	20/01

C-29	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/06/13	01/06/14	—	—	01/06/14	01/06/14	24/01
C-30	An Act to establish a body that provides administrative services to the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court and the Tax Court of Canada, to amend the Federal Court Act, the Tax Court of Canada Act and the Judges Act, and to make related and consequential amendments to other Acts	02/03/05	02/03/12	Legal and Constitutional Affairs	02/03/21	0	02/03/27	02/03/27 8/02
C-31	An Act to amend the Export Development Act and to make consequential amendments to other Acts	01/10/30	01/11/20	Banking, Trade and Commerce	01/11/27	0	01/12/06	01/12/18 33/01
C-32	An Act to implement the Free Trade Agreement between the Government of Canada and the Government of the Republic of Costa Rica	01/10/30	01/11/07	Foreign Affairs	01/11/21	0	01/11/22	01/12/18 28/01
C-33	An Act respecting the water resources of Nunavut and the Nunavut Surface Rights Tribunal and to make consequential amendments to other Acts	01/11/06 (withdrawn 01/11/21)	01/11/27	Energy, the Environment and Natural Resources	02/03/21	1	02/03/26	02/04/30 10/02
	01/11/22 (reintroduced)							
C-34	An Act to establish the Transportation Appeal Tribunal of Canada and to make consequential amendments to other Acts	01/10/30	01/11/06	Transport and Communications	01/11/27	0	01/11/28	01/12/18 29/01
C-35	An Act to amend the Foreign Missions and International Organizations Act	01/12/05	01/12/14	Foreign Affairs	02/03/13	0	02/04/25	02/04/30 12/02
C-36	An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism	01/11/29	01/11/29	Special Committee on Bill C-36	01/12/10	0	01/12/18	01/12/18 41/01
C-37	An Act to facilitate the implementation of those provisions of first nations' claim settlements in the Provinces of Alberta and Saskatchewan that relate to the creation of reserves or the addition of land to existing reserves, and to make related amendments to the Manitoba Claim Settlements Implementation Act and the Saskatchewan Treaty Land Entitlement Act	01/12/04	01/12/17	Aboriginal Peoples	02/02/19	0	02/02/20	02/03/21 3/02
C-38	An Act to amend the Air Canada Public Participation Act	01/11/20	01/11/28	Transport and Communications	01/12/06	0	01/12/11	01/12/18 35/01
C-39	An Act to replace the Yukon Act in order to modernize it and to implement certain provisions of the Yukon Northern Affairs Program Devolution Transfer Agreement, and to repeal and make amendments to other Acts	01/12/04	01/12/12	Energy, the Environment and Natural Resources	02/03/07	0	02/03/27	02/03/27 7/02

C-40	An Act to correct certain anomalies, inconsistencies and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal certain provisions that have expired, lapsed, or otherwise ceased to have effect	01/11/06	01/11/20	Legal and Constitutional Affairs	01/12/06	0	01/12/10	01/12/18	34/01
C-41	An Act to amend the Canadian Commercial Corporation Act	01/12/06	01/12/14	Banking, Trade and Commerce	02/02/07	0	02/02/21	02/03/21	4/02
C-43	An Act to amend certain Acts and instruments and to repeal the Fisheries Prices Support Act	02/04/16	02/04/25	Legal and Constitutional Affairs	02/06/06	0	02/06/11	02/06/13	17/02
C-44	An Act to amend the Aeronautics Act	01/12/06	01/12/10	Transport and Communications	01/12/13	0	01/12/14	01/12/18	38/01
C-45	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/12/05	01/12/17	—	—	—	01/12/18	01/12/18	39/01
C-46	An Act to amend the Criminal Code (alcohol ignition interlock device programs)	01/12/10	01/12/12	Committee of the Whole	01/12/12	0	01/12/13	01/12/18	37/01
C-47	An Act respecting the taxation of spirits, wine and tobacco and the treatment of ships' stores	02/05/28	02/05/30	Banking, Trade and Commerce	02/06/06	0	02/06/13	02/06/13	22/02
C-49	An Act to implement certain provisions of the budget tabled in Parliament on December 10, 2001	02/03/19	02/03/20	National Finance	02/03/25	0	02/03/27	02/03/27	9/02
C-50	An Act to amend certain Acts as a result of the accession of the People's Republic of China to the Agreement Establishing the World Trade Organization	02/04/30	02/05/09	Foreign Affairs	02/06/06	0	02/06/12	02/06/13	19/02
C-51	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	02/03/20	02/03/25	—	—	—	02/03/26	02/03/27	5/02
C-52	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003	02/03/20	02/03/26	—	—	—	02/03/27	02/03/27	6/02
C-53	An Act to protect human health and safety and the environment by regulating products used for the control of pests	02/06/13							
C-59	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003	02/06/11	02/06/12	—	—	—	02/06/13	02/06/13	21/02

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-441	An Act to change the names of certain electoral districts	02/04/23	02/06/06	Legal and Constitutional Affairs					

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
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S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	01/01/31	01/01/31	National Finance	01/03/28	5	referred back to Committee 01/10/23
S-7	An Act to amend the Broadcasting Act (Sen. Finestone, P.C.)	01/01/31	01/02/07	Transport and Communications	01/06/05	0	01/06/07
S-8	An Act to maintain the principles relating to the role of the Senate as established by the Constitution of Canada (Sen. Joyal, P.C.)	01/01/31	01/05/09	Rules, Procedures and the Rights of Parliament			
S-9	An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools)	01/01/31					
S-10	An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate) (Sen. Grafstein)	01/01/31	01/02/08	—	—	—	01/02/08 Senate agreed to Commons amendment 01/12/12
S-12	An Act to amend the Statistics Act and the National Archives of Canada Act (census records) (Sen. Milne)	01/02/07	01/03/27	Social Affairs, Science and Technology	01/12/14	0	referred back to Committee 02/03/25
S-13	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	01/02/07	01/05/02	Rules, Procedures and the Rights of Parliament (Committee discharged from consideration—Bill withdrawn 01/10/02)			
S-14	An Act respecting Sir John A. Macdonald Day and Sir Wilfrid Laurier Day (Sen. Lynch-Staunton)	01/02/07	01/02/20	Social Affairs, Science and Technology	01/04/26	0	01/05/01 02/03/21 2/02
S-15	An Act to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada (Sen. Kenny)	01/02/07	01/03/01	Energy, the Environment and Natural Resources	01/05/10	0	01/05/15 Bill withdrawn pursuant to Commons Speaker's Ruling 01/06/12
S-18	An Act to Amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	01/02/20	01/04/24	Social Affairs, Science and Technology (withdrawn) 01/05/10 Energy, the Environment and Natural Resources	01/11/27	0	Sent to Legal and Constitutional Affairs 02/06/13
S-19	An Act to amend the Canada Transportation Act (Sen. Kirby)	01/02/21	01/05/17	Transport and Communications			
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	01/03/12					

S-21	An Act to guarantee the human right to privacy (Sen. Finestone, P.C.)	01/03/13	Dropped from Order Paper pursuant to Rule 27(3)	(Subject-matter 01/04/26 Social Affairs, Science and Technology)	(01/12/14)		
S-22	An Act to provide for the recognition of the Canadian horse as the national horse of Canada (Sen. Murray, P.C.)	01/03/21	01/06/11	Agriculture and Forestry	01/10/31	4	01/11/08 02/04/30 11/02
S-26	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	01/05/02	01/06/05	Transport and Communications			
S-29	An Act to amend the Broadcasting Act (review of decisions) (Sen. Gauthier)	01/06/11	01/10/31	Transport and Communications			
S-30	An Act to amend the Canada Corporations Act (corporations sole) (Sen. Atkins)	01/06/12	01/11/08	Banking, Trade and Commerce			
S-32	An Act to amend the Official Languages Act (fostering of English and French) (Sen. Gauthier)	01/09/19	01/11/20	Legal and Constitutional Affairs			
S-35	An Act to honour Louis Riel and the Metis People (Sen. Chailfoux)	01/12/04					
S-36	An Act respecting Canadian citizenship (Sen. Kinsella)	01/12/04		(Subject-matter 02/04/16 Social Affairs, Science and Technology)			
S-37	An Act respecting a National Acadian Day (Sen. Comeau)	01/12/13	02/03/27	Social Affairs, Science and Technology			
S-38	An Act declaring the Crown's recognition of self-government for the First Nations of Canada (Sen. St. Germain, P.C.)	02/02/06					
S-39	An Act to amend the National Anthem Act to include all Canadians (Sen. Poy)	02/02/19					
S-42	An Act to amend the Canada Post Corporation Act (householder mailings) (Sen. Taylor)	02/03/26					
S-43	An Act to protect heritage lighthouses (Sen. Forrestall)	02/05/02					
S-44	An Act to amend the National Capital Act (Sen. Kinsella)	02/06/06					

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-25	An Act to amend the Act of incorporation of the Conference of Mennonites in Canada (Sen. Kroft)	01/03/29	01/04/04	Legal and Constitutional Affairs	01/04/26	1	01/05/02	01/06/14	42/01
S-27	An Act to authorize The Imperial Life Assurance Company of Canada to apply to be continued as a company under the laws of the Province of Quebec (Sen. Joyal, P.C.)	01/05/17	01/05/29	Legal and Constitutional Affairs	01/05/31	0	01/05/31	01/06/14	43/01
S-28	An Act to authorize Certas Direct Insurance Company to apply to be continued as a company under the laws of the Province of Quebec (Sen. Joyal, P.C.)	01/05/17	01/05/29	Legal and Constitutional Affairs	01/05/31	0	01/05/31	01/06/14	44/01

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